United Nations

Commission on Crime Prevention and Criminal Justice

Report on the twenty-first session (13 December 2011 and 23-27 April

Economic and Social Council Official Records, 2012 Supplement No. 10

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Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

Draft resolution I

Standard Minimum Rules for the Treatment of Prisoners

The General Assembly,

Bearing in mind the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

Reaffirming the importance of the United Nations standards and norms in crime prevention and criminal justice, and especially of promoting their implementation,

Emphasizing that in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[1] Member States recognized that an effective, fair and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime and acknowledged the value and impact of the United Nations standards and norms in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

Recalling its resolution 65/230 of 21 December 2010, entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice", in which it requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflected recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps, and requested the expert group to report to the Commission on Crime Prevention and Criminal Justice on progress in its work,

Aware that the penitentiary system is one of the key components of the criminal justice system and that the Standard Minimum Rules for the Treatment of

[1] General Assembly resolution 65/230, annex.

Prisoners[2] have been of value and influence in the development of correctional laws, policies and practices,

Convinced that prisons should be used as a punishment only for individuals who have committed serious offences and/or when necessary to protect the public,

Convinced also that specific efforts should be made to use alternative measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[3]

Taking into account the progressive development of international instruments pertaining to the treatment of prisoners since 1955, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[4] and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5]

Taking into account also the relevance of the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,[6] approved by the Economic and Social Council in its resolution 1984/47 of 25 May 1984, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[7] the Basic Principles for the Treatment of Prisoners,[8] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty[9] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[10]

Taking into account further the work carried out by the Permanent Committee of Latin America for the revision and updating of the Standard Minimum Rules for the Treatment of Prisoners submitted to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in Salvador, Brazil, as well as the 2011 report on the extent of implementation of the Standard Minimum Rules by African countries, submitted by the African Institute for the Prevention of Crime and the Treatment of Offenders,

Taking note with appreciation of the development by the United Nations Office on Drugs and Crime of the *Handbook for Prison Leaders*,[11] the Handbook on the International Transfer of Sentenced Persons, the handbook on strategies to reduce prison overcrowding (in cooperation with the International Committee of the Red Cross) and the handbook on the prevention of recidivism and the social reintegration of offenders,

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[2] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[3] General Assembly resolution 45/110, annex.

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] Ibid., vol. 2375, No. 24841.

[6] Economic and Social Council resolution 1984/47, annex.

[7] General Assembly resolution 43/173, annex.

[8] General Assembly resolution 45/111, annex.

[9] General Assembly resolution 45/113, annex.

[10] General Assembly resolution 65/229, annex.

[11] *Handbook for Prison Leaders: A Basic Training Tool and Curriculum for Prison Managers Based on International Standards and Norms*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.10.IV.4).

1. *Expresses appreciation* for the replies of Member States to the request to exchange information on best practices and on the revision of existing United Nations standard minimum rules for the treatment of prisoners;

2. *Takes note* of the work done by the high-level expert group meeting held in Santo Domingo from 3 to 5 August 2011 and the expert group meeting held in Vienna on 6 and 7 October 2011;

3. *Acknowledges* the work done by the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, which drew on the outcome of the two expert group meetings mentioned above;[12]

4. *Recognizes* that the Standard Minimum Rules for the Treatment of Prisoners,[13] adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and extended by the Council by its resolution 2076 (LXII) of 13 May 1977, have stood the test of time and that they remain the universally acknowledged minimum standards for the detention of prisoners;

5. *Also recognizes* that some areas of the Standard Minimum Rules for the Treatment of Prisoners could be reviewed so that the Rules reflect the latest advances in correctional science and good practices, provided that any changes to the Rules would not lower any existing standards;

6. *Takes cognizance* of the recommendations of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, and takes note that the Expert Group identified the following preliminary areas for possible consideration:[14]

(a) Respect for prisoners' inherent dignity and value as human beings;

(b) Medical and health services;

(c) Disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet;

(d) Investigation of all deaths in custody, as well as any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners;

(e) Protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances;

(f) The right of access to legal representation;

(g) Complaints and independent inspection;

(h) The replacement of outdated terminology;

(i) Training of relevant staff to implement the Standard Minimum Rules for the Treatment of Prisoners;

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[12] See E/CN.15/2012/18 and UNODC/CCPCJ/EG.6/2012/1.

[13] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[14] The recommendations should be considered in the context of the deliberations of the meeting of the Expert Group, which are reflected in the report on its meeting (UNODC/CCPCJ/EG.6/2012/1).

7. *Underscores* that the requirements and needs of prisoners with disabilities should be duly considered, as applicable, in accordance with the Convention on the Rights of Persons with Disabilities;[15]

8. *Authorizes* the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners to continue its work, within its mandate, with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, and requests the Secretary-General to ensure that the required services and support are provided;

9. *Invites* Member States to actively participate in the next meeting of the open-ended intergovernmental Expert Group and to have a report prepared summarizing discussions and recommendations, including comments and concerns expressed by Government experts and other participants;

10. *Expresses its gratitude* to the Government of Argentina for its readiness to host the next meeting of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners;

11. *Takes note* of the work accomplished for the preparation of the conference room paper entitled "Notes and comments on the Standard Minimum Rules for the Treatment of Prisoners", and recommends its early translation into all other official languages of the United Nations, as well as its wide dissemination;

12. *Encourages* Member States to promote the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);[16]

13. *Recommends* that Member States endeavour to reduce overcrowding and pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms, reinforcing alternatives to imprisonment, which may include, inter alia, fines, community service, restorative justice and electronic monitoring, as well as supporting rehabilitation and reintegration programmes;

14. *Encourages* Member States to continue exchanging good practices, such as those regarding conflict resolution in detention facilities, including in the area of technical assistance, as well as identifying challenges faced in implementing the Standard Minimum Rules for the Treatment of Prisoners and sharing their experiences in dealing with those challenges, and to provide the relevant information to their experts participating in the open-ended intergovernmental Expert Group;

15. *Reiterates its request* to the Secretary-General to continue to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice by, inter alia, providing advisory services and technical assistance to Member States on request, including assistance in criminal justice and law reform, and in the organization of training for law enforcement and criminal justice personnel and support in the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

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[15] United Nations, *Treaty Series*, vol. 2515, No. 44910.

[16] General Assembly resolution 65/229, annex.

16. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules for the Treatment of Prisoners, in accordance with the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners;[17]

17. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.

Draft resolution II

Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking

The General Assembly,

Recalling its resolution 66/102 of 9 December 2011, entitled "The rule of law at the national and international levels", in which it reaffirmed its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterated its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Stressing the importance of a well-functioning, efficient, effective and humane criminal justice system as the basis for a successful strategy against transnational organized crime, corruption, terrorism, drug trafficking and other forms of trafficking,

Greatly concerned by the negative impact of organized crime on human rights, the rule of law, security and development, as well as by the sophistication, diversity and transnational aspects of organized crime and its links with other criminal and, in some cases, terrorist activities,

Recognizing the importance of the rule of law to all areas of engagement within the United Nations system, and noting with appreciation the progress made in ensuring coherence and coordination of activities to support the rule of law, in cooperation with the Rule of Law Coordination and Resources Group, while recognizing the different mandates of different United Nations entities,

Recalling Economic and Social Council resolutions 2004/25 of 21 July 2004, 2005/21 of 22 July 2005 and 2006/25 of 27 July 2006, on strengthening the rule of law and the reform of criminal justice institutions, as well as the assistance activities of the United Nations crime prevention and criminal justice programme in that area, including in post-conflict reconstruction, and aware of the leading role of

[17] Economic and Social Council resolution 1984/47, annex.

the Department of Peacekeeping Operations of the Secretariat, among other entities, in providing assistance to countries in post-conflict situations,

Recalling also Economic and Social Council resolutions 2009/23 of 30 July 2009, entitled "Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime", and 2010/20 of 22 July 2010, entitled "Support for the development and implementation of an integrated approach to programme development at the United Nations Office on Drugs and Crime",

Recalling further the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[18] in which Member States recognized the centrality of crime prevention and the criminal justice system to the rule of law and that long-term, sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other,

Bearing in mind that the rule of law will include, inter alia, fostering respect for the rule-of-law culture and legislative, executive and judicial institutions needed to make and administer effective laws and trust and confidence that law-making will be responsive to the concerns and needs of the population and that the administration of law will be just, efficient and transparent,

Convinced of the negative impact of corruption, which erodes public confidence, legitimacy and transparency and impedes the making of fair and effective laws, as well as their administration, enforcement and adjudication,

Stressing the importance of the rule of law, both nationally and internationally, as an essential element in addressing and preventing organized crime and corruption,

Recognizing the value of the efforts being made throughout the United Nations system to strengthen activities aimed at promoting the rule of law, including the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General,

Noting with appreciation the establishment by the Secretary-General of the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability, for the purpose of developing within the United Nations system an effective and comprehensive approach to transnational organized crime and drug trafficking, and reaffirming the crucial role of Member States as reflected in the Charter of the United Nations,

Acknowledging that the United Nations standards and norms in crime prevention and criminal justice are important tools for establishing fair and effective criminal justice systems enshrined in the rule of law and that their use and application in the provision of technical assistance should be enhanced, as appropriate,

1. *Calls upon* relevant entities of the United Nations system to continue cooperating and coordinating their activities, within their respective mandates, to

[18] General Assembly resolution 65/230, annex.

promote a more integrated approach to the provision of assistance for building capacity in the area of the rule of law and criminal justice reform and to further explore joint projects in that area;

2. *Also calls upon* relevant entities of the United Nations system to systematically take into account the various aspects of the rule of law in their programmes, projects and other activities related to crime prevention and criminal justice and to include in them all segments of the population, particularly women;

3. *Reaffirms* the importance of the United Nations crime prevention and criminal justice programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice;

4. *Also reaffirms* the importance of the work of the United Nations Office on Drugs and Crime, in the fulfilment of its mandate on crime prevention and criminal justice, to provide to Member States, upon request and as a matter of high priority, technical assistance, advisory services and other forms of assistance and to coordinate with and complement the work of all relevant and competent United Nations bodies and offices, taking into account their respective mandates;

5. *Strongly encourages* all States to enhance bilateral, regional and international cooperation, in accordance with their domestic legislation, to counter the challenges posed by transnational organized crime and drug trafficking;

6. *Encourages* the United Nations Office on Drugs and Crime to incorporate relevant elements of the rule of law into its programmes and projects pertaining to crime prevention and criminal justice, in coordination, as appropriate, with other relevant United Nations entities, inter alia, the Rule of Law Coordination and Resource Group, the Office of the United Nations High Commissioner for Human Rights and the Department of Peacekeeping Operations of the Secretariat;

7. *Also encourages* the United Nations Office on Drugs and Crime to continue to provide technical assistance and advisory services to Member States, upon request, in support of criminal justice reform, and to incorporate the rule of law into such assistance, as appropriate, including in the framework of peacebuilding, peacekeeping and post-conflict reconstruction, and to promote relevant international legal instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[19] the United Nations Convention against Corruption[20] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[21] as well as relevant international anti-terrorism instruments, as appropriate, also drawing on the existing United Nations standards and norms in crime prevention and criminal justice;

8. *Welcomes* the progress made by the United Nations Office on Drugs and Crime, within its mandate and in close consultation with Member States and regional entities, in developing and implementing an integrated programme approach to technical assistance, comprising thematic and regional programmes for its delivery;

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[19] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[20] Ibid., vol. 2349, No. 42146.

[21] Ibid., vol. 1582, No. 27627.

9. *Encourages* the United Nations Office on Drugs and Crime to continue developing tools and training material on crime prevention and criminal justice reform, based on international standards and norms;

10. *Reiterates* its recommendation in its resolution 66/181 of 19 December 2011 that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, and its request in that resolution to the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, to Member States for that purpose;

11. *Requests* the United Nations Office on Drugs and Crime to continue to provide technical assistance, within its mandate, to Member States, upon request, in relation to the rule of law and long-term sustainable criminal justice reform;

12. *Urges* Member States providing development assistance to countries emerging from conflict to increase, where relevant, their bilateral assistance in crime prevention and criminal justice to those countries, and recommends that such assistance could, upon request, include elements relating to the rule of law;

13. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network to include in their work programmes the issue of the rule of law, particularly aspects pertaining to crime prevention and criminal justice, with a view to understanding whether there are links between transnational organized crime, drug trafficking and corruption, and, if so, to establish the degree and nature of those links as well as the challenges they may pose to the rule of law, and to develop appropriate training material;

14. *Requests* the Secretary-General to submit to it at its sixty-eighth session a report on the implementation of the present resolution;

15. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

Draft resolution III

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

The General Assembly,

Recalling the Universal Declaration of Human Rights,[22] which enshrines the key principles of equality before the law and the presumption of innocence, as well as the right to a fair and public hearing by an independent and impartial tribunal, established by law, along with all the guarantees necessary for the defence of anyone charged with a penal offence, other minimum guarantees and the entitlement to be tried without undue delay,

[22] General Assembly resolution 217 A (III).

Recalling also the International Covenant on Civil and Political Rights,[23] in particular article 14, which states that everyone charged with a criminal offence shall be entitled to be tried in his or her presence and to defend him or herself in person or through legal assistance of his or her own choosing or assigned to him or her where the interests of justice so require, in a fair and public hearing by a competent, independent and impartial tribunal established by law,

Bearing in mind the Standard Minimum Rules for the Treatment of Prisoners,[24] approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and extended by the Council in its resolution 2076 (LXII) of 13 May 1977, according to which an untried prisoner, for the purposes of his or her defence, shall be allowed to receive visits from his or her legal adviser,

Bearing in mind also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[25] principle 11 of which states that a detained person shall have the right to defend him or herself or to be assisted by counsel as prescribed by law,

Bearing in mind further the Basic Principles on the Role of Lawyers,[26] in particular principle 6, which states that any persons who do not have a lawyer shall, in all cases in which the interests of justice so require, be entitled to have a lawyer of experience and competence commensurate with the nature of the offence assigned to them in order to provide effective legal assistance, without payment by them if they lack sufficient means to pay for such services,

Recalling the Bangkok Declaration on Synergies and Responses: Strategic Alliance in Crime Prevention in Criminal Justice,[27] especially paragraph 18, in which Member States are called upon to take steps, in accordance with their domestic laws, to promote access to justice, to consider the provision of legal aid to those who need it and to enable the effective assertion of their rights in the criminal justice system,

Recalling also the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[28] especially paragraph 52, in which it is recommended that Member States endeavour to reduce pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms,

Recalling further Economic and Social Council resolution 2007/24 of 26 July 2007, on international cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa,

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[23] General Assembly resolution 2200 A (XXI), annex.

[24] *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A; and Economic and Social Council resolution 2076 (LXII).

[25] General Assembly resolution 43/173, annex.

[26] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex.

[27] General Assembly resolution 60/177, annex.

[28] General Assembly resolution 65/230, annex.

Recognizing that legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law and that it is a foundation for the enjoyment of other rights, including the right to a fair trial, as a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process,

Recognizing also that the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, annexed to the present resolution, can be applied by Member States, taking into account the great variety of legal systems and socioeconomic conditions in the world,

1. *Notes with appreciation* the work of the open-ended intergovernmental expert group on strengthening access to legal aid in criminal justice systems at its meeting held in Vienna from 16 to 18 November 2011 to develop a set of principles and guidelines on access to legal aid in criminal justice systems;

2. *Adopts* the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, annexed to the present resolution, as a useful framework to guide Member States on the principles on which a legal aid system in criminal justice should be based, taking into account the content of the present resolution and that all elements of the annex will be applied in accordance with national legislation;

3. *Invites* Member States, consistent with their national legislation, to adopt and strengthen measures to ensure that effective legal aid is provided, in accordance with the spirit of the Principles and Guidelines, bearing in mind the diversity of criminal justice systems among different countries and regions around the world and the fact that legal aid is developed in accordance with the overall balance of the criminal justice system, as well as the circumstances of countries and regions;

4. *Encourages* Member States to consider, where appropriate, the provision of legal aid and to provide such aid to the maximum extent possible;

5. *Also encourages* Member States to draw upon the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice, as appropriate, and in accordance with national law, in undertaking national efforts and measures to strengthen access to legal aid in criminal justice systems;

6. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to continue to provide advisory services and technical assistance to Member States, upon request, in the area of criminal justice reform, including restorative justice, alternatives to imprisonment and the development of integrated plans for the provision of legal aid;

7. *Also requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to make the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems widely available, including through the development of relevant tools such as handbooks and training manuals;

8. *Invites* Member States and other donors to provide extrabudgetary resources for those purposes, in accordance with the rules and procedures of the United Nations;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-third session on the implementation of the present resolution.

Annex

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

A. Introduction

1. Legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law. Legal aid is a foundation for the enjoyment of other rights, including the right to a fair trial, as defined in article 11, paragraph 1, of the Universal Declaration of Human Rights,[a] a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process.

2. Furthermore, article 14, paragraph 3 (d), of the International Covenant on Civil and Political Rights[b] states that everyone should be entitled, among other rights, "to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it".

3. A functioning legal aid system, as part of a functioning criminal justice system, may reduce the length of time suspects are held in police stations and detention centres, in addition to reducing the prison population, wrongful convictions, prison overcrowding and congestion in the courts, and reducing reoffending and revictimization. It may also protect and safeguard the rights of victims and witnesses in the criminal justice process. Legal aid can be utilized to contribute to the prevention of crime by increasing awareness of the law.

4. Legal aid plays an important role in facilitating diversion and the use of community-based sanctions and measures, including non-custodial measures; promoting greater community involvement in the criminal justice system; reducing the unnecessary use of detention and imprisonment; rationalizing criminal justice policies; and ensuring efficient use of State resources.

5. Regrettably, many countries still lack the necessary resources and capacity to provide legal aid for suspects, those charged with a criminal offence, prisoners, victims and witnesses.

6. The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which are drawn from international standards and recognized good practices, aim to provide guidance to States on the fundamental principles on which a legal aid system in criminal justice should be based and to outline the specific elements required for an effective and sustainable national legal aid system, in order to strengthen access to legal aid pursuant to Economic and

[a] General Assembly resolution 217 A (III).
[b] General Assembly resolution 2200 A (XXI), annex.

Social Council resolution 2007/24, entitled "International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa".

7. In line with the Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa and the Lilongwe Plan of Action for the implementation of the Declaration, the Principles and Guidelines follow a broad concept of legal aid.

8. For the purposes of the Principles and Guidelines, the term "legal aid" includes legal advice, assistance and representation for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence and for victims and witnesses in the criminal justice process that is provided at no cost for those without sufficient means or when the interests of justice so require. Furthermore, "legal aid" is intended to include the concepts of legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes.

9. For the purposes of the Principles and Guidelines, the individual who provides legal aid is herein referred to as the "legal aid provider", and the organizations that provide legal aid are referred to as the "legal aid service providers". The first providers of legal aid are lawyers, but the Principles and Guidelines also suggest that States involve a wide range of stakeholders as legal aid service providers in the form of non-governmental organizations, community-based organizations, religious and non-religious charitable organizations, professional bodies and associations and academia. Provision of legal aid to foreign nationals should conform to the requirements of the Vienna Convention on Consular Relations[c] and other applicable bilateral treaties.

10. It should be noted that States employ different models for the provision of legal aid. These may involve public defenders, private lawyers, contract lawyers, pro bono schemes, bar associations, paralegals and others. The Principles and Guidelines do not endorse any specific model but encourage States to guarantee the basic right to legal aid of persons detained, arrested or imprisoned,[d] suspected[e] or accused of, or charged with a criminal offence, while expanding legal aid to include others who come into contact with the criminal justice system and diversifying legal aid delivery schemes.

11. The Principles and Guidelines are based on the recognition that States should, where appropriate, undertake a series of measures that, even if not strictly related to legal aid, can maximize the positive impact that the establishment and/or reinforcement of a properly working legal aid system may have on a properly functioning criminal justice system and on access to justice.

12. Recognizing that certain groups are entitled to additional protection or are more vulnerable when involved with the criminal justice system, the Principles and

[c] United Nations, *Treaty Series*, vol. 596, No. 8638.

[d] The terms "arrest", "detained person" and "imprisoned person" are understood as defined in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex).

[e] The right to legal aid of suspects arises before questioning, when they become aware that they are the subject of investigation, and when they are under threat of abuse and intimidation, e.g. in custodial settings.

Guidelines also provide specific provisions for women, children and groups with special needs.

13. The Principles and Guidelines are primarily concerned with the right to legal aid, as distinct from the right to legal assistance as recognized in international law. Nothing in these Principles and Guidelines should be interpreted as providing a lesser degree of protection than that provided under existing national laws and regulations and international and regional human rights conventions or covenants applicable to the administration of justice, including, but not limited to, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child,[f] the Convention on the Elimination of All Forms of Discrimination against Women[g] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[h] However, this should not be interpreted as meaning that States are bound by international and regional instruments that they have not ratified or acceded to.

B. Principles

Principle 1. Right to legal aid

14. Recognizing that legal aid is an essential element of a functioning criminal justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process,[i] States should guarantee the right to legal aid in their national legal systems at the highest possible level, including, where applicable, in the constitution.

Principle 2. Responsibilities of the State

15. States should consider the provision of legal aid their duty and responsibility. To that end, they should consider, where appropriate, enacting specific legislation and regulations and ensure that a comprehensive legal aid system is in place that is accessible, effective, sustainable and credible. States should allocate the necessary human and financial resources to the legal aid system.

16. The State should not interfere with the organization of the defence of the beneficiary of legal aid or with the independence of his or her legal aid provider.

17. States should enhance the knowledge of the people about their rights and obligations under law through appropriate means, in order to prevent criminal conduct and victimization.

18. States should endeavour to enhance the knowledge of their communities about their justice system and its functions, the ways to file complaints before the courts and alternative dispute resolution mechanisms.

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[f] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[g] Ibid., vol. 1249, No. 20378.

[h] Ibid., vol. 2220, No. 39481.

[i] The term "justice process" is understood as defined in the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex). For the purpose of the Principles and Guidelines, the term shall also encompass extradition, transfer of prisoners and mutual legal assistance proceedings.

19. States should consider adopting appropriate measures for informing their communities about acts criminalized under the law. The provision of such information for those travelling to other jurisdictions, where crimes are categorized and prosecuted differently, is essential for crime prevention.

Principle 3. Legal aid for persons suspected of or charged with a criminal offence

20. States should ensure that anyone who is arrested, detained, suspected of or charged with a criminal offence punishable by a term of imprisonment or the death penalty is entitled to legal aid at all stages of the criminal justice process.

21. Legal aid should also be provided, regardless of the person's means, if the interests of justice so require, for example, given the urgency or complexity of the case or the severity of the potential penalty.

22. Children should have access to legal aid under the same conditions as or more lenient conditions than adults.

23. It is the responsibility of police, prosecutors and judges to ensure that those who appear before them who cannot afford a lawyer and/or who are vulnerable are provided access to legal aid.

Principle 4. Legal aid for victims of crime

24. Without prejudice to or inconsistency with the rights of the accused, States should, where appropriate, provide legal aid to victims of crime.

Principle 5. Legal aid for witnesses

25. Without prejudice to or inconsistency with the rights of the accused, States should, where appropriate, provide legal aid to witnesses of crime.

Principle 6. Non-discrimination

26. States should ensure the provision of legal aid to all persons regardless of age, race, colour, gender, language, religion or belief, political or other opinion, national or social origin or property, citizenship or domicile, birth, education or social status or other status.

Principle 7. Prompt and effective provision of legal aid

27. States should ensure that effective legal aid is provided promptly at all stages of the criminal justice process.

28. Effective legal aid includes, but is not limited to, unhindered access to legal aid providers for detained persons, confidentiality of communications, access to case files and adequate time and facilities to prepare their defence.

Principle 8. Right to be informed

29. States should ensure that, prior to any questioning and at the time of deprivation of liberty, persons are informed of their right to legal aid and other procedural safeguards as well as of the potential consequences of voluntarily waiving those rights.

30. States should ensure that information on rights during the criminal justice process and on legal aid services is made freely available and is accessible to the public.

Principle 9. Remedies and safeguards

31. States should establish effective remedies and safeguards that apply if access to legal aid is undermined, delayed or denied or if persons have not been adequately informed of their right to legal aid.

Principle 10. Equity in access to legal aid

32. Special measures should be taken to ensure meaningful access to legal aid for women, children and groups with special needs, including, but not limited to, the elderly, minorities, persons with disabilities, persons with mental illnesses, persons living with HIV and other serious contagious diseases, drug users, indigenous and aboriginal people, stateless persons, asylum-seekers, foreign citizens, migrants and migrant workers, refugees and internally displaced persons. Such measures should address the special needs of those groups, including gender-sensitive and age-appropriate measures.

33. States should also ensure that legal aid is provided to persons living in rural, remote and economically and socially disadvantaged areas and to persons who are members of economically and socially disadvantaged groups.

Principle 11. Legal aid in the best interests of the child

34. In all legal aid decisions affecting children,[j] the best interests of the child should be the primary consideration.

35. Legal aid provided to children should be prioritized, in the best interests of the child, and be accessible, age-appropriate, multidisciplinary, effective and responsive to the specific legal and social needs of children.

Principle 12. Independence and protection of legal aid providers

36. States should ensure that legal aid providers are able to carry out their work effectively, freely and independently. In particular, States should ensure that legal aid providers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel, to consult and meet with their clients freely and in full confidentiality both within their own country and abroad, and to freely access prosecution and other relevant files; and do not suffer, and are not threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Principle 13. Competence and accountability of legal aid providers

37. States should put in place mechanisms to ensure that all legal aid providers possess education, training, skills and experience that are commensurate with the

[j] "Child" shall mean any person under 18 years of age, in line with the Convention on the Rights of the Child.

nature of their work, including the gravity of the offences dealt with, and the rights and needs of women, children and groups with special needs.

38. Disciplinary complaints against legal aid providers should be promptly investigated and adjudicated in accordance with professional codes of ethics before an impartial body and subject to judicial review.

Principle 14. Partnerships

39. States should recognize and encourage the contribution of lawyers' associations, universities, civil society and other groups and institutions in providing legal aid.

40. Where appropriate, public-private and other forms of partnership should be established to extend the reach of legal aid.

C. Guidelines

Guideline 1. Provision of legal aid

41. Whenever States apply a means test to determine eligibility for legal aid, they should ensure that:

(a) Persons whose means exceed the limits of the means test but who cannot afford, or do not have access to, a lawyer in situations where legal aid would have otherwise been granted and where it is in the interests of justice to provide such aid, are not excluded from receiving assistance;

(b) The criteria for applying the means test are widely publicized;

(c) Persons urgently requiring legal aid at police stations, detention centres or courts should be provided preliminary legal aid while their eligibility is being determined. Children are always exempted from the means test;

(d) Persons who are denied legal aid on the basis of the means test have the right to appeal that decision;

(e) A court may, having regard to the particular circumstances of a person and after considering the reasons for his or her refusal of legal aid, direct that that person be provided with legal aid, with or without his or her contribution, when the interests of justice so require;

(f) If the means test is calculated on the basis of the household income of a family, but individual family members are in conflict with each other or do not have equal access to the family income, only the income of the person applying for legal aid is used for the purpose of the means test.

Guideline 2. Right to be informed on legal aid

42. In order to guarantee the right of persons to be informed of their right to legal aid, States should ensure that:

(a) Information on the right to legal aid and what such aid consists of, including the availability of legal aid services and how to access such services and other relevant information, is made available to the community and to the general

public in local government offices and educational and religious institutions and through the media, including the Internet, or other appropriate means;

(b) Information is made available to isolated groups and marginalized groups. Use should be made of radio and television programmes, regional and local newspapers, the Internet and other means, in particular, following changes to the law or specific issues affecting a community, targeted community meetings;

(c) Police officers, prosecutors, judicial officers and officials in any facility where persons are imprisoned or detained inform unrepresented persons of their right to legal aid and of other procedural safeguards;

(d) Information on the rights of a person suspected of or charged with a criminal offence in a criminal justice process and on the availability of legal aid services is provided in police stations, detention centres, courts and prisons, for example, through the provision of a letter of rights or in any other official form submitted to the accused. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children; and such information should be in a language that those persons understand. Information provided to children must be provided in a manner appropriate to their age and maturity;

(e) Effective remedies are available to persons who have not been adequately informed of their right to legal aid. Such remedies may include a prohibition on conducting procedural actions, release from detention, exclusion of evidence, judicial review and compensation;

(f) Means of verification that a person has actually been informed are put in place.

Guideline 3. Other rights of persons detained, arrested, suspected or accused of, or charged with a criminal offence

43. States should introduce measures:

(a) To promptly inform every person detained, arrested, suspected or accused of, or charged with a criminal offence of his or her right to remain silent; his or her right to consult with counsel or, if eligible, with a legal aid provider at any stage of the proceedings, especially before being interviewed by the authorities; and his or her right to be assisted by an independent counsel or legal aid provider while being interviewed and during other procedural actions;

(b) To prohibit, in the absence of any compelling circumstances, any interviewing of a person by the police in the absence of a lawyer, unless the person gives his or her informed and voluntary consent to waive the lawyer's presence and to establish mechanisms for verifying the voluntary nature of the person's consent. An interview should not start until the legal aid provider arrives;

(c) To inform all foreign detainees and prisoners in a language they understand of their right to request contact with their consular authorities without delay;

(d) To ensure that persons meet with a lawyer or a legal aid provider promptly after their arrest in full confidentiality; and that the confidentiality of further communications is guaranteed;

(e) To enable every person who has been detained for any reason to promptly notify a member of his or her family, or any other appropriate person of his or her choosing, of his or her detention and location and of any imminent change of location; the competent authority may, however, delay a notification if absolutely necessary, if provided for by law and if the transmission of the information would hinder a criminal investigation;

(f) To provide the services of an independent interpreter, whenever necessary, and the translation of documents where appropriate;

(g) To assign a guardian, whenever necessary;

(h) To make available in police stations and places of detention the means to contact legal aid providers;

(i) To ensure that persons detained, arrested, suspected or accused of, or charged with a criminal offence are advised of their rights and the implications of waiving them in a clear and plain manner; and endeavour to ensure that the person understands both;

(j) To ensure that persons are informed of any mechanism available for filing complaints of torture or ill-treatment;

(k) To ensure that the exercise of these rights by a person is not prejudicial to his or her case.

Guideline 4. Legal aid at the pretrial stage

44. To ensure that detained persons have prompt access to legal aid in conformity with the law, States should take measures:

(a) To ensure that police and judicial authorities do not arbitrarily restrict the right or access to legal aid for persons detained, arrested, suspected or accused of, or charged with a criminal offence, in particular in police stations;

(b) To facilitate access for legal aid providers assigned to provide assistance to detained persons in police stations and other places of detention for the purpose of providing that assistance;

(c) To ensure legal representation at all pretrial proceedings and hearings;

(d) To monitor and enforce custody time limits in police holding cells or other detention centres, for example, by instructing judicial authorities to screen the remand caseload in detention centres on a regular basis to make sure that people are remanded lawfully, that their cases are dealt with in a timely manner and that the conditions in which they are held meet the relevant legal standards, including international ones;

(e) To provide every person, on admission to a place of detention, with information on his or her rights in law, the rules of the place of detention and the initial stages of the pretrial process. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children and be in a language that the person in need of legal aid understands. Information provided to children should be provided in a manner appropriate for their age and maturity. The information material should be supported *by visual aids prominently located in each detention centre;*

(f) To request bar or legal associations and other partnership institutions to establish a roster of lawyers and paralegals to support a comprehensive legal system for persons detained, arrested, suspected or accused of, or charged with a criminal offence, in particular at police stations;

(g) To ensure that every person charged with a criminal offence has adequate time, facilities and technical and financial support, in case he or she does not have sufficient means, to prepare his or her defence and is able to consult with his or her lawyer in full confidentiality.

Guideline 5. Legal aid during court proceedings

45. To guarantee that every person charged with a criminal offence for which a term of imprisonment or capital punishment may be imposed by a court of law has access to legal aid in all proceedings at court, including on appeal and other related proceedings, States should introduce measures:

(a) To ensure that the accused understands the case against him or her and the possible consequences of the trial;

(b) To ensure that every person charged with a criminal offence has adequate time, facilities and technical and financial support, in case he or she does not have sufficient means, to prepare his or her defence and is able to consult with his or her lawyer in full confidentiality;

(c) To provide representation in any court proceedings by a lawyer of choice, where appropriate, or by a competent lawyer assigned by the court or other legal aid authority at no cost when the person does not have sufficient means to pay and/or where the interests of justice so require;

(d) To ensure that the counsel of the accused is present at all critical stages of the proceedings. Critical stages are all stages of a criminal proceeding at which the advice of a lawyer is necessary to ensure the accused's right to a fair trial or at which the absence of counsel might impair the preparation or presentation of a defence;

(e) To request bar or legal associations and other partnership institutions to establish a roster of lawyers and paralegals to support a comprehensive legal system for persons suspected, arrested, detained, accused or charged with a criminal offence; such support could include, for example, appearing before the courts on fixed days;

(f) To enable, in accordance with national law, paralegals and law students to provide appropriate types of assistance to the accused in court, provided that they are under the supervision of qualified lawyers;

(g) To ensure that unrepresented suspects and the accused understand their rights. This may include, but is not limited to, requiring judges and prosecutors to explain their rights to them in clear and plain language.

Guideline 6. Legal aid at the post-trial stage

46. States should ensure that imprisoned persons and children deprived of their liberty have access to legal aid. Where legal aid is not available, States shall ensure that such persons are held in prison in conformity with the law.

47. For this purpose, States should introduce measures:

(a) To provide all persons, on admission to the place of imprisonment and during their detention, with information on the rules of the place of imprisonment and their rights under the law, including the right to confidential legal aid, advice and assistance; the possibilities for further review of their case; their rights during disciplinary proceedings; and procedures for complaint, appeal, early release, pardon or clemency. Such information should be provided in a manner that corresponds to the needs of illiterate persons, minorities, persons with disabilities and children and should be in a language that the person in need of legal aid understands. Information provided to children should be provided in a manner appropriate for their age and maturity. The information material should be supported by visual aids prominently located in those parts of the facilities where prisoners have regular access;

(b) To encourage bar and legal associations and other legal aid providers to draw up rosters of lawyers, and paralegals, where appropriate, to visit prisons to provide legal advice and assistance at no cost to prisoners;

(c) To ensure that prisoners have access to legal aid for the purpose of submitting appeals and filing requests related to their treatment and the conditions of their imprisonment, including when facing serious disciplinary charges, and for requests for pardon, in particular for those prisoners facing the death penalty, as well as for applications for parole and representation at parole hearings;

(d) To inform foreign prisoners of the possibility, where available, of seeking transfer to serve their sentence in their country of nationality, subject to the consent of the States involved.

Guideline 7. Legal aid for victims

48. Without prejudice to or inconsistency with the rights of the accused and consistent with the relevant national legislation, States should take adequate measures, where appropriate, to ensure that:

(a) Appropriate advice, assistance, care, facilities and support are provided to victims of crime, throughout the criminal justice process, in a manner that prevents repeat victimization and secondary victimization;[k]

(b) Child victims receive legal assistance as required, in line with the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;[l]

(c) Victims receive legal advice on any aspect of their involvement in the criminal justice process, including the possibility of taking civil action or making a claim for compensation in separate legal proceedings, whichever is consistent with the relevant national legislation;

(d) Victims are promptly informed by the police and other frontline responders (i.e. health, social and child welfare providers) of their right to

[k] "Repeat victimization" and "secondary victimization" are understood as defined in paragraphs 1.2 and 1.3 of the appendix to Recommendation Rec(2006) of the Committee of Ministers of the Council of Europe to member States on assistance to crime victims.

[l] Economic and Social Council resolution 2005/20, annex.

information, their entitlement to legal aid, assistance and protection and how to access such rights;

(e) The views and concerns of victims are presented and considered at appropriate stages of the criminal justice process where their personal interests are affected or where the interests of justice so require;

(f) Victim services agencies and non-governmental organizations can provide legal aid to victims;

(g) Mechanisms and procedures are established to ensure close cooperation and appropriate referral systems between legal aid providers and other professionals (i.e. health, social and child welfare providers) to obtain a comprehensive understanding of the victim, as well as an assessment of his or her legal, psychological, social, emotional, physical and cognitive situation and needs.

Guideline 8. Legal aid for witnesses

49. States should take adequate measures, where appropriate, to ensure that:

(a) Witnesses are promptly informed by the relevant authority of their right to information, their entitlement to assistance and protection and how to access such rights;

(b) Appropriate advice, assistance, care facilities and support are provided to witnesses of crime throughout the criminal justice process;

(c) Child witnesses receive legal assistance as required, in line with the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;

(d) All statements or testimony given by the witness at all stages of the criminal justice process are accurately interpreted and translated.

50. States should, where appropriate, provide legal aid to witnesses.

51. The circumstances in which it may be appropriate to provide legal aid to witnesses include, but are not limited to, situations in which:

(a) The witness is at risk of incriminating him or herself;

(b) There is a risk to the safety and well-being of the witness resulting from his or her status as such;

(c) The witness is particularly vulnerable, including as a result of having special needs.

Guideline 9. Implementation of the right of women to access legal aid

52. States should take applicable and appropriate measures to ensure the right of women to access legal aid, including:

(a) Introducing an active policy of incorporating a gender perspective into all policies, laws, procedures, programmes and practices relating to legal aid to ensure gender equality and equal and fair access to justice;

(b) Taking active steps to ensure that, where possible, female lawyers are available to represent female defendants, accused and victims;

(c) Providing legal aid, advice and court support services in all legal proceedings to female victims of violence in order to ensure access to justice and avoid secondary victimization and other such services, which may include the translation of legal documents where requested or required.

Guideline 10. Special measures for children

53. States should ensure special measures for children to promote children's effective access to justice and to prevent stigmatization and other adverse effects as a result of their being involved in the criminal justice system, including:

(a) Ensuring the right of the child to have counsel assigned to represent the child in his or her own name in proceedings where there is or could be a conflict of interest between the child and his or her parents or other parties involved;

(b) Enabling children who are detained, arrested, suspected or accused of, or charged with a criminal offence to contact their parents or guardians at once and prohibiting any interviewing of a child in the absence of his or her lawyer or other legal aid provider, and parent or guardian when available, in the best interests of the child;

(c) Ensuring the right of the child to have the matter determined in the presence of the child's parents or legal guardian, unless it is not considered to be in the best interests of the child;

(d) Ensuring that children may consult freely and in full confidentiality with parents and/or guardians and legal representatives;

(e) Providing information on legal rights in a manner appropriate for the child's age and maturity, in a language that the child can understand and in a manner that is gender- and culture-sensitive. Provision of information to parents, guardians or caregivers should be in addition, and not an alternative, to communicating information to the child;

(f) Promoting, where appropriate, diversion from the formal criminal justice system and ensuring that children have the right to legal aid at every stage of the process where diversion is applied;

(g) Encouraging, where appropriate, the use of alternative measures and sanctions to deprivation of liberty and ensuring that children have the right to legal aid so that deprivation of liberty is a measure of last resort and for the shortest appropriate period of time;

(h) Establishing measures to ensure that judicial and administrative proceedings are conducted in an atmosphere and manner that allow children to be heard either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law. Taking into account the child's age and maturity may also require modified judicial and administrative procedures and practices.

54. The privacy and personal data of a child who is or who has been involved in judicial or non-judicial proceedings and other interventions should be protected at all stages, and such protection should be guaranteed by law. This generally implies that no information or personal data may be made available or published, particularly in the media, that could reveal or indirectly enable the disclosure of the

child's identity, including images of the child, detailed descriptions of the child or the child's family, names or addresses of the child's family members and audio and video records.

Guideline 11. Nationwide legal aid system

55. In order to encourage the functioning of a nationwide legal aid system, States should, where it is appropriate, undertake measures:

(a) To ensure and promote the provision of effective legal aid at all stages of the criminal justice process for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence and for victims of crime;

(b) To provide legal aid to persons who have been unlawfully arrested or detained or who have received a final judgement of the court as a result of a miscarriage of justice, in order to enforce their right to retrial, reparation, including compensation, rehabilitation and guarantees of non-repetition;

(c) To promote coordination between justice agencies and other professionals such as health, social services and victim support workers in order to maximize the effectiveness of the legal aid system, without prejudice to the rights of the accused;

(d) To establish partnerships with bar or legal associations to ensure the provision of legal aid at all stages of the criminal justice process;

(e) To enable paralegals to provide those forms of legal aid allowed by national law or practice to persons arrested, detained, suspected of or charged with a criminal offence, in particular in police stations or other detention centres;

(f) To promote the provision of appropriate legal aid for the purpose of crime prevention.

56. States should also take measures:

(a) To encourage legal and bar associations to support the provision of legal aid by offering a range of services, including those that are free (pro bono), in line with their professional calling and ethical duty;

(b) To identify incentives for lawyers to work in economically and socially disadvantaged areas (e.g. tax exemption, fellowships and travel and subsistence allowances);

(c) To encourage lawyers to organize regular circuits of lawyers around the country to provide legal aid to those in need.

57. In the design of their nationwide legal aid schemes, States should take into account the needs of specific groups, including but not limited to the elderly, minorities, persons with disabilities, the mentally ill, persons living with HIV and other severe contagious diseases, drug users, indigenous and aboriginal people, stateless persons, asylum-seekers, foreign citizens, refugees and internally displaced persons, in line with guidelines 9 and 10.

58. States should take appropriate measures to establish child-friendly[m] and child-sensitive legal aid systems taking into account children's evolving capacities and the need to strike an appropriate balance between the best interests of the child and children's right to be heard in judicial proceedings, including:

(a) Establishing, where possible, dedicated mechanisms to support specialized legal aid for children and support the integration of child-friendly legal aid into general and non-specialized mechanisms;

(b) Adopting legal aid legislation, policies and regulations that explicitly take into account the child's rights and special developmental needs, including the right to have legal or other appropriate assistance in the preparation and presentation of his or her defence; the right to be heard in all judicial proceedings affecting him or her; standard procedures for determining best interest; privacy and protection of personal data; and the right to be considered for diversion;

(c) Establishing child-friendly legal aid service standards and professional codes of conduct. Legal aid providers working with and for children should, where necessary, be subject to regular vetting to ensure their suitability for working with children;

(d) Promoting standard legal aid training programmes. Legal aid providers representing children should be trained in and be knowledgeable about children's rights and related issues, receive ongoing and in-depth training and be capable of communicating with children at their level of understanding. All legal aid providers working with and for children should receive basic interdisciplinary training on the rights and needs of children of different age groups and on proceedings that are adapted to them; and training on psychological and other aspects of the development of children, with special attention to girls and children who are members of minority or indigenous groups, and on available measures for promoting the defence of children who are in conflict with the law;

(e) Establishing mechanisms and procedures to ensure close cooperation and appropriate referral systems between legal aid providers and different professionals to obtain a comprehensive understanding of the child, as well as an assessment of his or her legal, psychological, social, emotional, physical and cognitive situation and needs.

59. To ensure the effective implementation of nationwide legal aid schemes, States should consider establishing a legal aid body or authority to provide, administer, coordinate and monitor legal aid services. Such a body should:

(a) Be free from undue political or judicial interference, be independent of the Government in decision-making related to legal aid and should not be subject to the direction or control or financial intimidation of any person or authority in the performance of its functions, regardless of its administrative structure;

[m] "Child-friendly legal aid" is the provision of legal assistance to children in criminal, civil and administrative proceedings that is accessible, age-appropriate, multidisciplinary and effective, and that is responsive to the range of legal and social needs faced by children and youth. Child-friendly legal aid is delivered by lawyers and non-lawyers who are trained in children's law and child and adolescent development and who are able to communicate effectively with children and their caretakers.

(b) Have the necessary powers to provide legal aid, including but not limited to the appointment of personnel; the designation of legal aid services to individuals; the setting of criteria and accreditation of legal aid providers, including training requirements; the oversight of legal aid providers and the establishment of independent bodies to handle complaints against them; and the assessment of legal aid needs nationwide; and the power to develop its own budget;

(c) Develop, in consultation with key justice sector stakeholders and civil society organizations, a long-term strategy guiding the evolution and sustainability of legal aid;

(d) Report periodically to the responsible authority.

Guideline 12. Funding the nationwide legal aid system

60. Recognizing that the benefits of legal aid services include financial benefits and cost savings throughout the criminal justice process, States should, where appropriate, make adequate and specific budget provisions for legal aid services that are commensurate with their needs, including by providing dedicated and sustainable funding mechanisms for the national legal aid system.

61. To this end, States could take measures:

(a) To establish a legal aid fund to finance legal aid schemes, including public defender schemes, to support legal aid provision by legal or bar associations; support university law clinics; and sponsor non-governmental organizations and other organizations, including paralegal organizations, in providing legal aid services throughout the country, especially in rural and economically and socially disadvantaged areas;

(b) To identify fiscal mechanisms for channelling funds to legal aid, such as:

(i) Allocating a percentage of the State's criminal justice budget to legal aid services that are commensurate with the needs of effective legal aid provision;

(ii) Using funds recovered from criminal activities through seizures or fines to cover legal aid for victims;

(c) To identify and put in place incentives for lawyers to work in rural areas and economically and socially disadvantaged areas (for example, tax exemptions or reductions, student loan payment reductions);

(d) To ensure fair and proportional distribution of funds between prosecution and legal aid agencies.

62. The budget for legal aid should cover the full range of services to be provided to persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence, and to victims. Adequate special funding should be dedicated to defence expenses such as expenses for copying relevant files and documents and collection of evidence, expenses related to expert witnesses, forensic experts and social workers, and travel expenses. Payments should be timely.

Guideline 13. Human resources

63. States should, where appropriate, make adequate and specific provisions for staffing the nationwide legal aid system that are commensurate with their needs.

64. States should ensure that professionals working for the national legal aid system possess qualifications and training appropriate for the services they provide.

65. Where there is a shortage of qualified lawyers, the provision of legal aid services may also include non-lawyers or paralegals. At the same time, States should promote the growth of the legal profession and remove financial barriers to legal education.

66. States should also encourage wide access to the legal profession, including affirmative action measures to ensure access for women, minorities and economically disadvantaged groups.

Guideline 14. Paralegals

67. States should, in accordance with their domestic law and where appropriate, recognize the role played by paralegals or similar service providers in providing legal aid services where access to lawyers is limited.

68. For this purpose, States should, in consultation with civil society and justice agencies and professional associations, introduce measures:

(a) To develop, where appropriate, a nationwide scheme of paralegal services with standardized training curricula and accreditation schemes, including appropriate screening and vetting;

(b) To ensure that quality standards for paralegal services are set and that paralegals receive adequate training and operate under the supervision of qualified lawyers;

(c) To ensure the availability of monitoring and evaluation mechanisms to guarantee the quality of the services provided by paralegals;

(d) To promote, in consultation with civil society and justice agencies, the development of a code of conduct that is binding for all paralegals working in the criminal justice system;

(e) To specify the types of legal services that can be provided by paralegals and the types of services that must be provided exclusively by lawyers, unless such determination is within the competence of the courts or bar associations;

(f) To ensure access for accredited paralegals who are assigned to provide legal aid to police stations and prisons, facilities of detention or pretrial detention centres etc.;

(g) To allow, in accordance with national law and regulations, court-accredited and duly trained paralegals to participate in court proceedings and advise the accused when there are no lawyers available to do so.

Guideline 15. Regulation and oversight of legal aid providers

69. In adherence to principle 12, and subject to existing national legislation ensuring transparency and accountability, States, in cooperation with professional associations, should:

(a) Ensure that criteria are set for the accreditation of legal aid providers;

(b) Ensure that legal aid providers are subject to applicable professional codes of conduct, with appropriate sanctions for infractions;

(c) Establish rules to ensure that legal aid providers are not allowed to request any payment from the beneficiaries of legal aid, except when authorized to do so;

(d) Ensure that disciplinary complaints against legal aid providers are reviewed by impartial bodies;

(e) Establish appropriate oversight mechanisms for legal aid providers, in particular with a view to preventing corruption.

Guideline 16. Partnerships with non-State legal aid service providers and universities

70. States should, where appropriate, engage in partnerships with non-State legal aid service providers, including non-governmental organizations and other service providers.

71. To this end, States should take measures, in consultation with civil society and justice agencies and professional associations:

(a) To recognize in their legal systems the role to be played by non-State actors in providing legal aid services to meet the needs of the population;

(b) To set quality standards for legal aid services and support the development of standardized training programmes for non-State legal aid service providers;

(c) To establish monitoring and evaluation mechanisms to ensure the quality of legal aid services, in particular those provided at no cost;

(d) To work with all legal aid service providers to increase outreach, quality and impact and facilitate access to legal aid in all parts of the country and in all communities, especially in rural, economically and socially disadvantaged areas and among minority groups;

(e) To diversify legal aid service providers by adopting a comprehensive approach, for example, by encouraging the establishment of centres to provide legal aid services that are staffed by lawyers and paralegals and by entering into agreements with law societies and bar associations, university law clinics and non-governmental and other organizations to provide legal aid services.

72. States should, where appropriate, also take measures:

(a) To encourage and support the establishment of legal aid clinics in law departments within universities to promote clinical and public interest law programmes among faculty members and the student body, including in the accredited curriculum of universities;

(b) To encourage and provide incentives to law students to participate, under proper supervision and in accordance with national law or practice, in a legal aid clinic or other legal aid community scheme, as part of their academic curriculum or professional development;

(c) To develop, where they do not already exist, student practice rules that allow students to practise in the courts under the supervision of qualified lawyers or faculty staff, provided such rules are developed in consultation with and accepted by the competent courts or bodies that regulate the practice of law before the courts;

(d) In jurisdictions requiring law students to undertake legal internships, to develop rules for them to be allowed to practise in the courts under the supervision of qualified lawyers.

Guideline 17. Research and data

73. States should ensure that mechanisms to track, monitor and evaluate legal aid are established and should continually strive to improve the provision of legal aid.

74. For this purpose, States could introduce measures:

(a) To conduct regular research and collection of data disaggregated by the gender, age, socioeconomic status and geographical distribution of legal aid recipients and to publish the findings of such research;

(b) To share good practices in the provision of legal aid;

(c) To monitor the efficient and effective delivery of legal aid in accordance with international human rights standards;

(d) To provide cross-cultural, culturally appropriate, gender-sensitive and age-appropriate training to legal aid providers;

(e) To improve communication, coordination and cooperation between all justice agencies, especially at the local level, to identify local problems and to agree on solutions to improve the provision of legal aid.

Guideline 18. Technical assistance

75. Technical assistance based on needs and priorities identified by requesting States should be provided by relevant intergovernmental organizations, such as the United Nations, bilateral donors and competent non-governmental organizations, as well as by States in the framework of bilateral and multilateral cooperation, with a view to building and enhancing the national capacities and institutions for the development and implementation of legal aid systems and criminal justice reforms, where appropriate.

Draft resolution IV

Promoting efforts to eliminate violence against migrants, migrant workers and their families

The General Assembly,

Recalling its resolution 66/172 of 19 December 2011, entitled "Protection of migrants",

Recognizing that violence against migrants, migrant workers and their families poses a serious challenge to Member States and requires multilateral cooperation among all countries for its eradication,

Recognizing also that the challenges include violence perpetrated by organized criminal groups, including violence motivated by racism,

Deeply concerned about acts of intolerance, discrimination and violence and credible threats of violence against migrants, migrant workers and their families,

Recognizing that impediments to accessing employment, vocational training, housing, schooling, health services and social services, as well as other services that, in accordance with national legislation, are intended for use by the public, contribute to migrants' vulnerability,

Noting that the factors that drive people to seek to cross international borders are many and varied, and that while the majority may be motivated by economic factors, in some cases migrants may include vulnerable groups,

Aware that, as criminals take advantage of migratory flows and attempt to circumvent border controls, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

Concerned about the large numbers of migrants, especially women and children, who attempt to cross international borders without appropriate travel documents, which renders them highly vulnerable, and recognizing the obligation of Member States to treat migrants humanely, with full protection of their rights, regardless of immigration status,

Bearing in mind the need for a focused and consistent criminal justice approach towards crimes committed against migrants, in particular women and children, as a group that is especially vulnerable to crime and abuse,

Recognizing the importance of the principle of access to justice, and convinced that without access to justice, basic human rights cannot be fully realized,

Reaffirming the importance of the Universal Declaration of Human Rights,[29] in which it is stated that everyone has the right to life, liberty and security of person, and that no one should be held in slavery or servitude or be subjected to cruel, inhuman or degrading treatment or punishment, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind,

Reaffirming also that effective action to prevent and combat the smuggling of migrants by land, sea and air requires a comprehensive international approach,

Noting the obligations of Member States under international law, as applicable, to prevent crimes against migrants, to investigate such crimes and to punish perpetrators, and bearing in mind that not doing so impairs the enjoyment of the human rights and fundamental freedoms of victims of such crimes,

Stressing the need for additional cooperation among Member States and between Member States and private sector entities to counter transnational organized crime,

Stressing also the need to fully implement the United Nations Convention against Transnational Organized Crime,[30] the Protocol against the Smuggling of

[29] General Assembly resolution 217 A (III).

[30] United Nations, *Treaty Series*, vol. 2225, No. 39574.

Migrants by Land, Sea and Air, supplementing that Convention,[31] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention,[32] and to take appropriate measures to afford migrants effective protection against the types of violence that may be inflicted upon them, including protection from potential retaliation or intimidation for testifying as witnesses in criminal proceedings,

Recalling its resolution 64/293 of 30 July 2010, entitled "United Nations Global Plan of Action to Combat Trafficking in Persons", and Commission on Crime Prevention and Criminal Justice resolution 20/3 of 15 April 2011, entitled "Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons", stressing the need for full and effective implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, and expressing the view that it will, inter alia, enhance cooperation and better coordination of efforts to fight trafficking in persons and full implementation of the Organized Crime Convention and the Trafficking in Persons Protocol,

Reaffirming that crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

Taking note with appreciation of the work of the United Nations Office on Drugs and Crime to highlight the vulnerability of smuggled migrants to violence, including, inter alia, *Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications*, first published in 2010, and the discussion guide for the thematic discussion on violence against migrants, migrant workers and their families,[33]

Welcoming the renewed commitment made in the United Nations Millennium Declaration[34] to take measures to protect the human rights of migrants, migrant workers and their families, to eliminate acts of racism and xenophobia and to promote greater harmony and tolerance,

Recognizing the increasing need for more effective international information-sharing, law enforcement cooperation and mutual legal assistance,

Determined to promote effective law enforcement and related measures to eliminate violence against migrants, migrant workers and their families,

1. *Strongly condemns* the continuing incidence of criminal acts against migrants, migrant workers and their families in all regions of the world, including criminal acts of violence motivated by racism, racial discrimination, xenophobia and related intolerance;

2. *Requests* Member States to ensure the humane treatment of all migrants, regardless of their migration status, especially women and children, with full protection of their rights, and to take all appropriate measures with due regard for the safety and dignity of the person;

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[31] Ibid., vol. 2241, No. 39574.
[32] Ibid., vol. 2237, No. 39574.
[33] E/CN.15/2012/5.
[34] General Assembly resolution 55/2.

3. *Urges* Member States to adopt measures for preventing and addressing effectively cases of violence against migrants, migrant workers and their families, and to ensure that the victims of such crimes receive humane and respectful treatment from Member States, regardless of their status;

4. *Encourages* Member States that have not already done so to enact domestic legislation and take other appropriate measures to combat international smuggling of migrants, including legislative, judicial, regulatory and administrative measures, recognizing that crimes against migrants may endanger the lives of migrants or make them vulnerable to trafficking, kidnapping, or other crimes and abuse by organized criminal groups, and to strengthen international cooperation to combat such crimes;

5. *Also encourages* Member States that have not already done so to enact domestic legislation and to take other appropriate measures to combat criminal acts of racism, discrimination, xenophobia and related intolerance, including steps to reduce migrants' vulnerability to crime and to increase their engagement with host societies, consistent with national law;

6. *Reiterates its call* for those Member States that have not yet done so to consider acceding to the United Nations Convention against Transnational Organized Crime and its Protocols,[35] and calls upon States parties to fully implement those treaties;

7. *Calls upon* Member States to institute measures, as appropriate, to strengthen the entire criminal justice process and to vigorously investigate and prosecute crimes against migrants, including trafficking in persons and other serious offences, especially crimes constituting violations of their human rights, giving special attention to assisting and protecting victims, in particular women and children;

8. *Emphasizes* the importance of protecting persons in vulnerable situations, and in that regard expresses its concern about the increase in the activities of transnational and national organized criminal entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law;

9. *Urges* Member States to fully use, where pertinent, international cooperation in their investigations and prosecutions of crimes involving violence against migrants, migrant workers and their families, and encourages States parties to the United Nations Convention against Transnational Organized Crime and its relevant Protocols to avail themselves of the international cooperation framework of those instruments and all others to ensure that they have an adequate legal framework to allow for extradition, mutual legal assistance and international cooperation in relation to such crimes;

10. *Also urges* Member States to provide specialized training, as appropriate, for law enforcement, border control, immigration and other concerned officials to better equip them to identify and deal with issues related to violence against

[35] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

migrants, including in cooperation with non-governmental organizations and civil society;

11. *Invites* Member States to adopt concrete measures to prevent violence against migrants while in transit, to train public officials at ports of entry and in border areas to treat migrants and their families respectfully and in accordance with the law, and to prosecute, in conformity with applicable national and international law, violations of the rights of migrants and their families during such transit;

12. *Urges* Member States to continue exploring the link between migration, smuggling of migrants and trafficking in persons in order to further efforts towards protecting migrants from violence, discrimination, exploitation and abuse;

13. *Encourages* Member States to make available information about the potential risks of migration and the rights and duties of persons who migrate, educating them about their host societies, so as to enable migrants to make informed decisions and to reduce the likelihood that they will be victims of crime;

14. *Calls upon* Member States to take measures to ensure that victims of crime, including migrants, migrant workers and their families, have access to the justice system for violations of their rights, irrespective of their status;

15. *Encourages* Member States to further strengthen their cooperation in protecting witnesses in cases of smuggling of migrants and trafficking in persons;

16. *Invites* Member States to take immediate steps to incorporate into national criminal justice strategies measures to prevent, prosecute and punish crimes involving violence against migrants, migrant workers and their families;

17. *Welcomes* the active role played by international and non-governmental organizations in combating violence against migrants;

18. *Urges* Member States to cooperate in international, regional and bilateral forums on the protection of migrants and on humane migration management.

Draft resolution V

Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Recalling its resolution 56/119 of 19 December 2001, on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, in which it stipulated the guidelines in accordance with which, beginning in 2005, the congresses, pursuant to paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme,[36] should be held,

[36] General Assembly resolution 46/152, annex.

Emphasizing the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Acknowledging that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in that field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

Bearing in mind the consultative nature of the United Nations congresses on crime prevention and criminal justice, and their role as a forum for promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations and individual experts representing various professions and disciplines,

Recalling its resolution 57/270 B of 23 June 2003, on the integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields, in which it stressed that all countries should promote policies consistent and coherent with the commitments of the major United Nations conferences and summits, emphasized that the United Nations system had an important responsibility to assist Governments to stay fully engaged in the follow-up to and implementation of agreements and commitments reached at the major United Nations conferences and summits, and invited its intergovernmental bodies to further promote the implementation of the outcomes of the major United Nations conferences and summits,

Recalling also its resolution 62/173 of 18 December 2007, in which it endorsed the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice at its meeting held in Bangkok from 15 to 18 August 2006,

Recalling further its resolution 65/230 of 21 December 2010, in which it endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[37] as adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, requested the Commission on Crime Prevention and Criminal Justice to consider at its twentieth session options to improve the efficiency of the process involved in the United Nations congresses on crime prevention and criminal justice, and welcomed with appreciation the offer of the Government of Qatar to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015,

Recalling its resolution 66/179 of 19 December 2011, in which it requested the Commission on Crime Prevention and Criminal Justice to approve at its twenty-first session the overall theme, the agenda items and the topics for the workshops of the Thirteenth Congress, and recommended that the outcome of future

[37] General Assembly resolution 65/230, annex.

crime congresses be strengthened by limiting the number of their agenda items and workshops,

Taking note of the development goals and national commitments contained in the United Nations Millennium Declaration,[38]

Emphasizing the importance of integrating crime prevention and criminal justice into the wider United Nations agenda to address, inter alia, social and economic challenges and to promote the rule of law at the national and international levels, and public participation,

Stressing the importance of undertaking all preparatory activities for the Thirteenth Congress in a timely and concerted manner,

Having considered the report of the Secretary-General on the follow-up to the Twelfth Congress and preparations for the Thirteenth Congress,[39]

1. *Reiterates* its invitation to Governments to take into consideration the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World[40] and the recommendations adopted by the Twelfth Congress when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

2. *Takes note* of the progress made thus far in the preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice;

3. *Decides* that the duration of the Thirteenth Congress should not exceed eight days, including pre-Congress consultations;

4. *Also decides* that the main theme of the Thirteenth Congress shall be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation";

5. *Further decides* that, in accordance with its resolution 56/119 of 19 December 2001, the Thirteenth Congress shall include a high-level segment in which States are invited to be represented at the highest possible level, for example, by Heads of State or Government, Government ministers or attorneys general, and that representatives will be given an opportunity to make statements on the topics of the Congress;

6. *Decides* that, in accordance with its resolution 56/119, the Thirteenth Congress shall adopt a single declaration, to be submitted to the Commission on Crime Prevention and Criminal Justice for its consideration, and that the declaration shall contain recommendations reflecting the deliberations of the high-level segment, the discussion of agenda items and the workshops;

7. *Requests* the Secretary-General to encourage the participation of representatives from relevant entities of the United Nations system in the

[38] General Assembly resolution 55/2.
[39] E/CN.15/2012/21.
[40] General Assembly resolution 65/230, annex.

Thirteenth Congress, bearing in mind the main theme, agenda items and workshop topics of the Congress;

8. *Approves* the following provisional agenda for the Thirteenth Congress, finalized by the Commission on Crime Prevention and Criminal Justice at its twenty-first session:

1. Opening of the Congress.

2. Organizational matters.

3. Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development.

4. International cooperation, including at the regional level, to combat transnational organized crime.

5. Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime.[41]

6. National approaches to public participation in strengthening crime prevention and criminal justice.

7. Adoption of the report of the Congress;

9. *Decides* that the following issues shall be considered in workshops within the framework of the Thirteenth Congress:

(a) Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders;

(b) Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims;

(c) Strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation;

(d) Public contribution to crime prevention and raising awareness of criminal justice: experiences and lessons learned;

10. *Requests* the Secretary-General, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to prepare a discussion guide for the regional preparatory meetings and for the Thirteenth Congress in a timely manner in order to enable those meetings to be held

[41] This agenda item invites discussion on various evolving forms of transnational crime, including those reflected in General Assembly resolution 66/181 of 19 December 2011, entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity".

as early as possible in 2014, and invites Member States to be actively involved in that process;

11. *Also requests* the Secretary-General to facilitate the organization of regional preparatory meetings for the Thirteenth Congress and to make available the necessary resources for the participation of the least developed countries in those meetings and in the Congress itself, in accordance with past practice and in consultation with Member States;

12. *Urges* participants in the regional preparatory meetings to examine the substantive items on the agenda and the topics of the workshops of the Thirteenth Congress and to make action-oriented recommendations to serve as a basis for the draft recommendations and conclusions for consideration by the Thirteenth Congress;

13. *Invites* Member States to be represented at the Thirteenth Congress at the highest possible level, for example, by Heads of State or Government, Government ministers or attorneys general, to make statements on the theme and topics of the Thirteenth Congress and to participate actively in the high-level segment;

14. *Calls upon* Member States to play an active role in the Congress by sending legal and policy experts, including practitioners with special training and practical experience in crime prevention and criminal justice;

15. *Emphasizes* the importance of the workshops to be held within the framework of the Thirteenth Congress, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and the institutes of the United Nations crime prevention and criminal justice programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

16. *Requests* the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Thirteenth Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress, and encourages Member States to actively participate in the above-mentioned meetings, as they provide an opportunity to develop and maintain strong partnerships with the private sector and civil society organizations;

17. *Encourages* Governments to undertake preparations for the Thirteenth Congress at an early stage and by all appropriate means, including, where appropriate, the establishment of national preparatory committees;

18. *Encourages* the relevant United Nations programmes, specialized agencies of the United Nations system and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with the United Nations Office on Drugs and Crime in the preparations for the Thirteenth Congress;

19. *Requests* the Commission to accord sufficient time at its twenty-second session to reviewing the progress made in the preparations for the Thirteenth Congress, to finalize in a timely manner all outstanding organizational

and substantive arrangements and to make its recommendations to the General Assembly through the Economic and Social Council;

20. *Requests* the Secretary-General to ensure proper follow-up to the present resolution and to report thereon to the General Assembly through the Commission at its twenty-second session.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

Draft resolution I

Improving the quality and availability of statistics on crime and criminal justice for policy development

The Economic and Social Council,

Recalling General Assembly resolution 65/232 of 21 December 2010, in which the United Nations Office on Drugs and Crime was requested to strengthen the collection, analysis and dissemination of accurate, reliable and comparable data and information to enhance knowledge on crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension,

Recalling also the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[42] adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, and endorsed by the General Assembly in its resolution 65/230 of 21 December 2010, in which the Commission on Crime Prevention and Criminal Justice was invited to consider strengthening the capacity of the United Nations Office on Drugs and Crime to collect, analyse and disseminate accurate, reliable and comparable data on world crime and victimization trends and patterns and Member States were called upon to support the gathering and analysis of information and to consider designating focal points and provide information when requested to do so by the Commission,

Recalling further its resolution 2009/25 of 30 July 2009, on improving the collection, reporting and analysis of data to enhance knowledge on trends in specific areas of crime,

Recalling resolution 19/2 of 21 May 2010 of the Commission on Crime Prevention and Criminal Justice, entitled "Strengthening the collection, analysis and reporting of comparable crime-related data", in which Member States were invited to strengthen their efforts to review and improve data-collection tools in order to enhance knowledge on world crime trends and patterns,

[42] General Assembly resolution 65/230, annex.

Considering that the countries participating in the sixth meeting of the Statistical Conference of the Americas of the Economic Commission for Latin America and the Caribbean expressed their satisfaction at the creation of the Centre of Excellence for Statistical Information on Governance, Victimization, Public Security and Justice, established jointly by the United Nations Office on Drugs and Crime and the National Institute of Statistics and Geography of Mexico, and that the Statistical Conference requested the Centre, subject to availability of resources, to support the countries of the region in improving the compilation, dissemination and analysis of information on crime and in developing standards for measuring the scale of crimes most affecting the region,

Recognizing that the Commission on Crime Prevention and Criminal Justice is the intergovernmental body mandated to address issues relating to crime prevention and criminal justice, while the Statistical Commission is responsible for promoting the development of national statistics and the improvement of their comparability, as well as the improvement of statistics and statistical methods generally, as reaffirmed by the Council in its resolution 1566 (L) of 3 May 1971,

Emphasizing that both the Commission on Crime Prevention and Criminal Justice and the Statistical Commission can complement and support each other's efforts in the field of statistics on crime and criminal justice,

Recognizing the importance of information and statistics in developing and supporting public policies at the national, regional and global levels,

Reaffirming that the United Nations Office on Drugs and Crime is the focal point within the United Nations system for statistics on crime and criminal justice,

Acknowledging the need to ensure coordination in the collection and dissemination of statistics on crime and criminal justice among the various national institutions,

Taking note of the need, expressed by the Statistical Commission in its decision 43/102 of 2 March 2012, for national statistical offices to give sufficient consideration to the challenges of producing and disseminating statistics on crime within the national context and to work with partners in the criminal justice system,

Reaffirming that national victimization surveys, often conducted by national statistical offices,[43] are important tools for the collection of information on crime and criminal justice, and acknowledging that it would be desirable to have technical and methodological tools for conducting such surveys so as to ensure the comparability of results obtained in different countries,

Bearing in mind the gaps still existing in statistical information on crime and criminal justice, particularly in relation to emerging forms of crime, and the challenges posed by the limited comparability of statistical data obtained in different countries,

Underscoring the importance of technical assistance and of building the capacity of Member States to collect, analyse and disseminate accurate and comparable statistics on crime and criminal justice,

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[43] In statistical systems that do not have a single national statistical office, this refers to the statistical agency responsible for collecting statistics on crime and justice matters.

Taking note of the tools and publications issued by the United Nations Office on Drugs and Crime that provide technical guidance, methodologies and standards for the collection of data and the preparation of evidence-based analyses on specific forms of crime, such as victimization, crime trend and homicide surveys,

1. *Welcomes* the deliberations of the Statistical Commission at its forty-third session, held in 2012, and the request made by the Commission to the United Nations Office on Drugs and Crime and the National Institute of Statistics and Geography of Mexico to prepare a joint report, to be considered by the Statistical Commission at its forty-fourth session, which should include:

(a) A road map of the steps needed to develop statistics on crime;

(b) An assessment of the feasibility of developing an international classification of crimes for statistical purposes;

(c) The way in which the Statistical Commission and the Commission on Crime Prevention and Criminal Justice could cooperate with regard to the development of statistics on crime;

2. *Requests* the United Nations Office on Drugs and Crime to make available to the Commission on Crime Prevention and Criminal Justice, at its twenty-second session, the report to be prepared by the Office, in cooperation with the National Institute of Statistics and Geography of Mexico, for consideration by the Statistical Commission at its forty-fourth session;

3. *Invites* Member States to provide the United Nations Office on Drugs and Crime with relevant information that could be taken into consideration in the preparation of the aforementioned report;

4. *Also invites* Member States to encourage productive dialogue among national authorities responsible for the collection, processing and dissemination of crime and criminal justice statistics, including national statistical offices, so as to enhance coordination at the national level and to ensure the use of common standards;

5. *Invites* Member States that have not yet done so to appoint a national focal point for the submission of data on crime and criminal justice to the United Nations Office on Drugs and Crime through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, in order to support that Office in ensuring that the national data disseminated are consistent over time and meet the highest standards of quality;

6. *Welcomes* the establishment of the Centre of Excellence for Statistical Information on Governance, Victimization, Public Security and Justice, developed jointly by the United Nations Office on Drugs and Crime and the National Institute of Statistics and Geography of Mexico, and encourages both bodies, through the Centre, to support countries, upon request, in improving their statistical information on crime and criminal justice;

7. *Requests* the United Nations Office on Drugs and Crime to continue developing technical and methodological tools to assist countries in producing and disseminating accurate and comparable statistics on crime and criminal justice, and to continue providing technical assistance, upon request, to Member States in order

to enhance their capacity to collect, analyse and report data on crime and criminal justice;

8. *Also requests* the United Nations Office on Drugs and Crime to continue its mandated activities to regularly collect and disseminate statistics on crime and criminal justice and to provide trend analyses and studies based on the information provided by Member States;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-third session on the implementation of the present resolution.

Draft resolution II

Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations

The Economic and Social Council,

Recognizing that transnational organized crime has diversified and represents a threat to health and safety, security, good governance and the sustainable development of States,

Emphasizing that all States have a shared responsibility to take steps to counter transnational organized crime, including through international cooperation and in cooperation with relevant entities such as the United Nations Office on Drugs and Crime,

Recalling General Assembly resolution 66/181 of 19 December 2011, entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity", in which the Assembly reaffirmed the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[44] as the main tools of the international community to fight transnational organized crime, drew attention to emerging policy issues such as piracy, cybercrime, abuse and exploitation of children, trafficking in cultural property, illicit financial flows and illicit trafficking in endangered species of wild fauna and flora, and invited the United Nations Office on Drugs and Crime to explore, within its mandate, ways and means of addressing those issues,

Stressing the need for promoting universal adherence to, as well as full implementation of, the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption[45] and other relevant international instruments, as well as the importance of additional cooperation between Member States and private sector entities, as appropriate, to counter transnational organized crime, as identified in various reports of the United Nations Office on Drugs and Crime,

Recalling Commission on Crime Prevention and Criminal Justice resolution 19/1 of 21 May 2010, entitled "Strengthening public-private partnerships to counter crime in all its forms and manifestations", and noting the importance of

[44] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.
[45] Ibid., vol. 2349, No. 42146.

further developing such partnerships, including in or in relation to specific sectors, for example, the tourism sector, affected by increased criminal and terrorist threats and challenges,

Recalling also General Assembly resolution 66/180 of 19 December 2011, entitled "Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking", in which the Assembly urged Member States and relevant institutions to reinforce and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat all forms and aspects of trafficking in cultural property and related offences, such as the theft, looting, damage, removal, pillage and destruction of cultural property, and to facilitate the recovery and return of stolen cultural property,

Recalling further the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[46] adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which the Commission on Crime Prevention and Criminal Justice was invited to consider convening an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime,

Recalling Commission on Crime Prevention and Criminal Justice resolution 19/2 of 21 May 2010, entitled "Strengthening the collection, analysis and reporting of comparable crime-related data", in which the Commission, inter alia, requested the United Nations Office on Drugs and Crime, in consultation with Member States, to strengthen the collection, analysis and reporting of accurate, reliable and comparable data on world crime trends and patterns, and invited Member States to strengthen their efforts to review and improve data-collection tools in order to enhance knowledge on those trends and patterns, as well as Economic and Social Council resolution 2012/[...] entitled "Improving the quality and availability of statistics on crime and criminal justice for policy development",

Taking note of the commitment made by Heads of State and Government in the United Nations Millennium Declaration[47] to intensify their efforts to fight transnational crime in all its dimensions, including trafficking in and smuggling of human beings and money-laundering, to take concerted action against international terrorism and to redouble their efforts to implement their commitment to counter the world drug problem, and stressing the need to integrate crime prevention and criminal justice strategies and measures into broader United Nations goals,

Recalling General Assembly resolution 64/293 of 30 July 2010, entitled "United Nations Global Plan of Action to Combat Trafficking in Persons", General Assembly resolution 65/232 of 21 December 2010, entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its

[46] General Assembly resolution 65/230, annex.
[47] General Assembly resolution 55/2.

technical cooperation capacity", and Commission on Crime Prevention and Criminal Justice resolution 20/3 of 15 April 2011, entitled "Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons", stressing the need for full and effective implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, and expressing the view that it will, inter alia, enhance cooperation and better coordination of efforts in fighting trafficking in persons and full implementation of the United Nations Convention against Transnational Organized Crime[48] and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,[49]

Underscoring the growing involvement of organized criminal groups at all stages of both licit and illicit activities that can generate huge profits, including the production and distribution of falsified and fraudulent products,

Recalling Commission on Crime Prevention and Criminal Justice resolution 20/6 of 15 April 2011, entitled "Countering fraudulent medicines, in particular their trafficking", in which the Commission urged Member States to prevent trafficking in fraudulent medicines by introducing legislation, as appropriate, covering, in particular, all offences related to fraudulent medicines, such as money-laundering, corruption and smuggling, as well as the confiscation and disposal of criminal assets, extradition and mutual legal assistance, to ensure that no stage in the supply chain of fraudulent medicines was overlooked, and, in this regard, noting the Conference hosted by the Government of the Russian Federation in Moscow from 26 to 28 October 2011 on countering the spread of counterfeit medical products,

Recalling also Commission on Crime Prevention and Criminal Justice decision 19/1 of 21 May 2010, entitled "Strengthening crime prevention and criminal justice responses to counterfeiting and piracy",

Mindful of the links that may exist, in some cases, between transnational organized crime and terrorism, as well as the need for further research and cooperation to address that issue,

Recognizing the involvement of transnational criminal organizations in all aspects of crimes having a significant impact on the environment,

Noting with appreciation the establishment by the Secretary-General of the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability, for the purpose of developing within the United Nations system an effective and comprehensive approach to transnational organized crime and drug trafficking, and reaffirming the crucial role of Member States as reflected in the Charter of the United Nations,

Welcoming the signing of the memorandum of understanding between the United Nations Office on Drugs and Crime and the World Tourism Organization,

1. *Reiterates its call* for those Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against

[48] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[49] Ibid., vol. 2237, No. 39574.

Transnational Organized Crime and the Protocols thereto,[50] and encourages States parties to fully implement those legal instruments;

2. *Welcomes* resolution 5/5 of 22 October 2010 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in which the Conference decided to establish an open-ended intergovernmental working group to consider and explore options for the establishment of a mechanism or mechanisms to assist it in the review of the implementation of the Organized Crime Convention and the Protocols thereto, takes note with appreciation of the progress made by the working group in finalizing its recommendations to the Conference, and expresses the hope that the Conference at its sixth session will complete the task of establishing the review mechanism and launching it as soon as possible, bearing in mind the urgent need to improve the implementation of the Convention and its Protocols;

3. *Requests* the Executive Director of the United Nations Office on Drugs and Crime, as the co-chair of the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability, to keep Member States informed on the progress of the work of the task force;

4. *Invites* the United Nations Office on Drugs and Crime to request Member States and interested international organizations, including regional organizations, to submit to the Office their views on ways and means of enhancing the effectiveness of international cooperation in countering criminal and terrorist threats and challenges to the tourist sector, including by means of public-private partnerships, and requests the Office to provide a report on those submissions to the Commission on Crime Prevention and Criminal Justice at its twenty-second session;

5. *Invites* Member States, within the framework of their domestic legal systems and international obligations, to consider reviewing their legal and regulatory arrangements in order to provide for the criminalization of the production and distribution of falsified and fraudulent products linked to organized crime;

6. *Also invites* Member States to consider, where appropriate, applying the relevant provisions of the Organized Crime Convention to the activities of transnational organized criminal groups, including those involving the illicit manufacture, production and distribution of falsified and fraudulent products, especially in relation to money-laundering, corruption and smuggling, as well as seizing and confiscating the related criminal assets and cooperating by means of extradition and mutual legal assistance, as well as coordinated law enforcement actions, and invites Member States also to consider enhancing their cross-border cooperation in this area, including with a view to breaking the related criminal distribution chain;

7. *Encourages* Member States to provide adequate mechanisms to ensure proper safety and control of the licit distribution chain with, where appropriate, the involvement and close cooperation of the private sector;

8. *Urges* Member States to consider, among other effective measures, within the framework of their national legal systems, criminalizing activities related to all forms and aspects of trafficking in cultural property and related offences by

[50] Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

using a broad definition that can be applied to all stolen, looted, unlawfully excavated and illicitly exported or imported cultural property and to apply the relevant provisions of the United Nations Convention against Transnational Organized Crime to foster international cooperation in order to address such criminal activities, including by applying judicial and law enforcement cooperation mechanisms at their disposal;

9. *Takes note with appreciation* of the report of the Secretary-General on crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,[51] including its recommendations, and looks forward to the continued work of the intergovernmental expert group established by the Economic and Social Council to address crime prevention and criminal justice responses to protect cultural property;

10. *Urges* Member States to consider, among other effective measures, in accordance with their national legal systems, addressing different forms and manifestations of transnational organized crime that have a significant impact on the environment, including illicit trafficking in endangered species of wild fauna and flora;

11. *Reiterates* its invitation to Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and regulations of the United Nations, to implement Commission on Crime Prevention and Criminal Justice resolution 20/7 of 15 April 2011, including the convening of the second session of the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime;

12. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and relevant regional and international organizations, to continue developing global analyses of the threats and modalities of transnational organized crime, studying new forms and dimensions of transnational organized crime and analysing new and emerging challenges, in order to support evidence-based policy guidance;

13. *Invites* the United Nations Interregional Crime and Justice Research Institute and other institutes of the United Nations crime prevention and criminal justice programme network, in consultation with Member States and in cooperation with other competent international entities, to continue to conduct research on different forms of transnational organized crime;

14. *Requests* the Secretary-General to continue his efforts towards enhancing the analytical contributions of the United Nations Interregional Crime and Justice Research Institute and other institutes of the United Nations crime prevention and criminal justice programme network, as well as their transparency to Member States, including by means of strengthening their working links with the Commission on Crime Prevention and Criminal Justice;

15. *Requests* the United Nations Office on Drugs and Crime, in consultation with Member States and relevant regional and international organizations, to continue developing technical assistance tools that may be used to support the implementation of the Organized Crime Convention and the Protocols thereto, the

[51] E/CN.15/2012/15.

United Nations Convention against Corruption[52] and other relevant United Nations instruments;

16. *Invites* States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations;

17. *Requests* the Secretary-General to submit a report to the Commission at its twenty-second session on the implementation of the present resolution.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I

Report of the Commission on Crime Prevention and Criminal Justice on its twenty-first session and provisional agenda for its twenty-second session

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its twenty-first session;

(b) Recalling its decision 2010/243 of 22 July 2010, decides that the prominent theme for the twenty-second session of the Commission will be "The challenge posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively";

(c) Recalling its decision 2011/257 of 28 July 2011, takes note of Commission decision 21/1, in which the Commission decided that:

(i) For future sessions of the Commission, starting with the twenty-third session, the part of the session held in the first half of the year will commence after a sufficient period of time, if possible at least six to eight weeks, has elapsed following the closure of the part of the session of the Commission on Narcotic Drugs held in the first half of the year, to allow both Member States and the Secretariat to prepare and conduct their work in a more efficient manner;

(ii) For future sessions of the Commission, the firm deadline for the submission of draft resolutions to be considered at the part of the session held in the first half of the year will be, in principle, one month prior to the commencement of that part of the session;

(iii) For practical reasons, the firm deadline for the submission of draft resolutions to be considered at the part of the twenty-second session to be held in the first half of 2013 will be three weeks prior to the commencement of that part of the session;

[52] United Nations, *Treaty Series*, vol. 2349, No. 42146.

(iv) For future sessions of the Commission, the part of the session held in the first part of the year will be preceded by informal pre-session consultations, with interpretation, to be held on the working day preceding the first day of that part of the session. The informal pre-session consultations provide an opportunity for Member States to engage in informal consultations on draft resolutions and, inter alia, the provisional agenda for the next session of the Commission;

(v) The Secretariat will make the arrangements necessary for the adequate implementation of subparagraphs (c) (i) to (iv) above, in particular by ensuring that draft resolutions are made available in all six official languages at least one week prior to the start of the informal pre-session consultations held in the first half of the year;

(d) Notes that in its decision 21/1, the Commission decided that, for its twenty-second session:

(i) In order to further the objectives of General Assembly resolution 52/214 of 22 December 1997, section B, in which the Assembly invited all intergovernmental bodies to consider, where appropriate, the possibility of reducing the length of their reports from the desired limit of thirty-two pages to twenty pages over a period of time without adversely affecting either the quality of presentation or the content of the reports, the Commission will make efforts to reduce the length of its annual reports, bearing in mind the need for such reports to include resolutions and decisions adopted or transmitted by the Commission, as well as a brief summary of its deliberations under each agenda item, focusing in particular on policy findings and conclusions reached;

(ii) Bearing in mind the need to maintain budget discipline, to use conference services in a cost-effective manner and to conduct its work more efficiently, the Commission requests the Secretariat to provide a report related to documentation prepared for the Commission, including the costs and the number and frequency of issuance of those documents, the efforts made by the Secretariat to find internal efficiencies in the manner in which it produces such documents and the savings linked to those efficiencies, as well as recommendations on these issues, including exploring possibilities to further improve and reduce the yearly reporting requirements through a thorough examination of its current mandates with a view to identifying outdated or duplicative mandates;

(e) Approves the provisional agenda and documentation for the twenty-second session of the Commission set out below.

Provisional agenda and documentation for the twenty-second session of the Commission on Crime Prevention and Criminal Justice

1. Election of officers.

2. Adoption of the agenda and other organizational matters.

Documentation

Provisional agenda and annotations

3. Strategic management, budgetary and administrative questions:

   (a) Work of the working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime;

   (b) Directives on policy and budgetary issues for the United Nations crime prevention and criminal justice programme.

Documentation

Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime

Other notes by the Secretariat and reports of the Secretary-General or Executive Director in accordance with mandates

4. Thematic discussion on the challenge posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively.

Documentation

Note by the Secretariat

5. Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice:

   (a) Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

   (b) Ratification and implementation of the United Nations Convention against Corruption;

   (c) Ratification and implementation of the international instruments to prevent and combat terrorism;

   (d) Other crime prevention and criminal justice matters;

   (e) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies.

Documentation

Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption

Report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism

Report of the Secretary-General on the activities of the institutes of the United Nations crime prevention and criminal justice programme network

Other notes by the Secretariat and reports of the Secretary-General or Executive Director in accordance with mandates

6. Use and application of United Nations standards and norms in crime prevention and criminal justice.

Documentation

Report of the Secretary-General on United Nations standards and norms in crime prevention and criminal justice

Other notes by the Secretariat and reports of the Secretary-General or Executive Director in accordance with mandates

7. World crime trends and emerging issues and responses in the field of crime prevention and criminal justice.

Documentation

Report of the Executive Director on the activities of the United Nations Office on Drugs and Crime

Other notes by the Secretariat and reports of the Secretary-General or Executive Director in accordance with mandates

8. Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice.

Documentation

Report of the Secretary-General on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

9. Provisional agenda for the twenty-third session of the Commission.

10. Other business.

11. Adoption of the report of the Commission on its twenty-second session.

Draft decision II

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

The Economic and Social Council decides to endorse the appointments of Taous Feroukhi (Algeria) and Jayantilal Karia (Uganda) by the Commission on Crime Prevention and Criminal Justice, at its twenty-first session, to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

D. Matters brought to the attention of the Economic and Social Council

4. The following resolutions and decisions adopted by the Commission on Crime Prevention and Criminal Justice are brought to the attention of the Economic and Social Council:

Resolution 21/1

Strengthening Government oversight of civilian private security services and the contribution of such services to crime prevention and community safety

The Commission on Crime Prevention and Criminal Justice,

Recalling its resolution 18/2 of 24 April 2009, entitled "Civilian private security services: their role, oversight and contribution to crime prevention and community safety,"

Recalling also the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[53] adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, in which Member States recognized the importance of strengthening public-private partnerships in preventing and countering crime in all its forms and manifestations,

Recalling further the Guidelines for the Prevention of Crime,[54] in the basic principles of which it is stated that cooperation and partnerships should be an integral part of effective crime prevention, given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them, and that includes partnerships working across ministries and between authorities, community organizations, non-governmental organizations, the business sector and private citizens,

Emphasizing that States have primary responsibility for public order, safety and security,

Bearing in mind that the work of civilian private security services may be highly sensitive and may require specific supervision and oversight by Governments,

Emphasizing that providers of civilian private security services are present in some States and that their services, while primarily preventive in nature, may complement those provided by the criminal justice system and, in some countries, are often supportive of public safety,

Mindful of the fact that civilian private security services may create challenges for the criminal justice system in some countries,

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[53] General Assembly resolution 65/230, annex.

[54] Economic and Social Council resolution 2002/13, annex.

Taking note of the notes by the Secretariat on civilian private security services: their oversight and their role in and contribution to crime prevention and community safety,[55]

Recalling its resolution 19/1 of 21 May 2010, entitled "Strengthening public-private partnerships to counter crime in all its forms and manifestations",

Mindful of the planning meeting held in Abu Dhabi on 10 and 11 May 2010, at which further study of the issue was recommended,

Noting the work of the Expert Group on Civilian Private Security Services at its meeting held in Vienna from 12 to 14 October 2011, and the resulting draft preliminary recommendations on oversight and regulation of civilian private security services and on the contribution of such security services to crime prevention and community safety,[56]

Noting also the importance of effective oversight of civilian private security services by competent State authorities to ensure that they are not compromised or misused by criminal elements, including organized criminal groups,

1. *Takes note* of the draft preliminary recommendations of the Expert Group on Civilian Private Security Services (entitled "Abu Dhabi draft preliminary recommendations");

2. *Requests* the United Nations Office on Drugs and Crime to circulate the Abu Dhabi draft preliminary recommendations on the oversight and regulation of civilian private security services and on their contribution to crime prevention and community safety to all Member States, through a note verbale requesting their response;

3. *Also requests* the United Nations Office on Drugs and Crime to prepare a report that summarizes and provides a synthesis of the responses of Member States, to be submitted to the Commission on Crime Prevention and Criminal Justice at its twenty-second session;

4. *Invites* Member States and other donors to provide extrabudgetary resources for those purposes, in accordance with the rules and procedures of the United Nations.

Resolution 21/2

Countering maritime piracy, especially off the coast of Somalia and in the Gulf of Guinea

The Commission on Crime Prevention and Criminal Justice,

Recalling its resolutions 19/6 of 21 May 2010, on countering maritime piracy off the coast of Somalia, and 20/5 of 15 April 2011, on combating the problem of transnational organized crime committed at sea,

[55] E/CN.15/2011/14 and E/CN.15/2012/20.
[56] E/CN.15/2012/20.

Recalling also General Assembly resolution 66/181 of 19 December 2011, entitled "Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity", in which the Assembly reaffirmed the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[57] as the main tools of the international community to fight transnational organized crime, drew attention to emerging policy issues such as piracy, cybercrime, abuse and exploitation of children, trafficking in cultural property, illicit financial flows and illicit trafficking in endangered species of wild fauna and flora, and invited the United Nations Office on Drugs and Crime to explore, within its mandate, ways and means of addressing those issues,

Recalling further that, in that resolution, the Assembly encouraged Member States to support the United Nations Office on Drugs and Crime in continuing to provide targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to combat piracy by sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity,

Stressing the need for a comprehensive response, taking into account socioeconomic and other factors, to counter maritime piracy and armed robbery at sea,

Taking into account the conditions faced by Somalia, where piracy is affecting its efforts to achieve a more just and stable society for all its citizens,

Noting the mandated role of the United Nations Office on Drugs and Crime to assist Member States in countering maritime piracy off the coast of Somalia,[58]

Mindful that maritime piracy and armed robbery at sea off the coast of Somalia and in the Gulf of Guinea have different features,

Concerned about the threat posed by piracy and armed robbery at sea in the Gulf of Guinea, and welcoming the initiatives already taken by States and organizations in the region, including the Economic Community of Central African States, the Economic Community of West African States, the Commission of the Gulf of Guinea and the Maritime Organization for West and Central Africa, to enhance maritime safety in the Gulf of Guinea,

Aware of the institutional role of the United Nations Office on Drugs and Crime in providing technical assistance, upon request, in the areas of capacity-building in the crime prevention and criminal justice sector and the implementation of relevant United Nations conventions, within its mandate, as they relate to countering maritime piracy,

Noting with appreciation the work of the United Nations Office on Drugs and Crime in providing support for the prosecution and detention of suspected pirates and the incarceration of convicted pirates in countries in the Horn of Africa, including jointly with the European Union, in the framework of enhancing the rule of law, in strengthening the legal regime of and prison capacity and reform in Somalia and in deterring piracy through an advocacy programme conducted in

[57] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[58] In pursuance of Security Council resolutions 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), 2020 (2011) and 2036 (2012).

communities in Somalia as part of a broad and coherent approach to countering maritime piracy,

Recalling General Assembly resolution 66/177 of 19 December 2011, entitled "Strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities", and welcoming the efforts of the United Nations Office on Drugs and Crime to counter illicit financial flows linked to maritime piracy by identifying, freezing, seizing and, as appropriate, recovering illicit financial flows from maritime piracy, leading to the prosecution of the financiers and sponsors of maritime piracy,

Noting the role played by other organizations and mechanisms, inter alia, the International Criminal Police Organization (INTERPOL) and the World Bank, in countering illicit financial flows linked to maritime piracy,

Noting also the Secretary-General's assessment mission on piracy in the Gulf of Guinea, which was dispatched with the participation of the United Nations Office on Drugs and Crime to assess the emerging threat of maritime piracy and armed robbery in the Gulf of Guinea, and that the Office will provide support for the efforts of the countries in the region,

Aware of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, whose purpose is to defray the expenses associated with the prosecution of suspected pirates and to support other relevant counter-piracy initiatives in cooperation with other partners, including the consolidation of international assistance to increase prison capacity, the construction of prisons, the provision of training for prison staff in accordance with relevant international human rights standards, and the monitoring of compliance with such standards,

Keeping in mind the report of the Executive Director on countering maritime piracy off the coast of Somalia,[59] including in particular the conclusions and recommendations contained in paragraphs 72 to 74 of that report, as well as the more recent information contained in the progress report of the Secretary-General on the work of the United Nations Office on Drugs and Crime in the fight against transnational organized crime and corruption,[60]

1. *Expresses its grave concern* at the threats and challenges posed by maritime piracy and armed robbery at sea off the coast of Somalia and in the Gulf of Guinea;

2. *Stresses* the need for a comprehensive, effective and coordinated response to tackle those threats and challenges and their possible links with other serious forms of transnational organized crime, including by investigating and prosecuting suspects captured at sea, as well as anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who plan, organize, facilitate, finance or profit from such attacks, and preventing the financing of acts of maritime piracy and the laundering of its proceeds;

3. *Also stresses* the importance of strengthening the capacity of affected States to investigate, prosecute, incarcerate and, as appropriate, repatriate and

[59] E/CN.15/2011/18.
[60] E/CN.15/2012/9.

transfer offenders, in accordance with applicable domestic and international law, and requests the United Nations Office on Drugs and Crime to continue its ongoing efforts in this regard;

4. *Acknowledges* the leading role of the Contact Group on Piracy off the Coast of Somalia in facilitating coordination in order to prevent, deter and respond to acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with States and international organizations, as well as the significant contributions of the States working independently to counter maritime piracy off the coast of Somalia;

5. *Requests* the United Nations Office on Drugs and Crime, in cooperation with the United Nations Development Programme and other international partners, as appropriate, to further their efforts to support the development of domestic legislation, agreements and mechanisms that would allow the effective prosecution of suspected pirates and the transfer and imprisonment of convicted pirates;

6. *Calls upon* Member States to criminalize maritime piracy and armed robbery at sea under their domestic law;

7. *Encourages* Member States to continue cooperating with each other, using relevant and applicable bilateral or multilateral instruments for law enforcement cooperation, mutual legal assistance and extradition, inter alia, the United Nations Convention against Transnational Organized Crime and its Protocols[61] and the United Nations Convention against Corruption;[62]

8. *Takes note with appreciation* of the contributions of participating States and other partners to the counter-piracy programme of the United Nations Office on Drugs and Crime, the funding for which has substantially increased since 2009;

9. *Requests* the United Nations Office on Drugs and Crime to continue providing technical assistance, upon request, to affected Member States in order to enhance their capacity in countering maritime piracy and armed robbery at sea;

10. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes of the present resolution in accordance with the rules and procedures of the United Nations and to support the work of the United Nations Office on Drugs and Crime, within its mandate, in countering maritime piracy, including through its Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism used to track the illegal financial flows, its relevant regional programmes, the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia and other related bilateral technical assistance efforts;

11. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to submit a report to the Commission at its twenty-second session on the implementation of the present resolution and to continue the regular briefing of Member States on those topics.

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[61] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[62] Ibid., vol. 2349, No. 42146.

Resolution 21/3

Strengthening international cooperation to address the links that in some cases may exist between transnational organized criminal activities and terrorist activities

The Commission on Crime Prevention and Criminal Justice,

Emphasizing that the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, in 2010, acknowledged the increasing links between transnational organized crime and drug trafficking in the context of the world drug problem and in that regard stressed the urgent need for all States to enhance bilateral, regional and international cooperation to effectively counter the challenges posed by those links,[63]

Taking into account the commitments entered into by the parties to the United Nations Convention against Transnational Organized Crime, adopted in 2000, and the Protocols thereto,[64] the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,[65] the Convention on Psychotropic Substances of 1971,[66] the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[67] and the existing international counter-terrorism instruments,

Taking into account also all relevant United Nations resolutions regarding terrorism, in particular the United Nations Global Counter-Terrorism Strategy,[68]

Considering that the 1988 Convention urges all States concerned to incorporate the offence of drug-related transactions into their national legislation and provides that all States parties shall adopt such measures as may be necessary in order to establish money-laundering as a criminal offence when committed internationally,

Recalling the provisions of the 1988 Convention relating to the links between illicit trafficking and other organized criminal activities,

Emphasizing the need to strengthen international, including regional and national, measures to improve cooperation, as set out in the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,[69] adopted by the General Assembly in its resolution 64/182 of 18 December 2009,

Recalling General Assembly resolution 65/169 of 20 December 2010, entitled "Preventing and combating corrupt practices and transfer of assets of illicit origin

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[63] *Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World*, General Assembly resolution 65/230, annex, para. 47.

[64] United Nations, *Treaty Series*, vol. 2225, 2237, 2241 and 2326, No. 39574.

[65] Ibid., vol. 976, No. 14152.

[66] Ibid., vol. 1019, No. 14956.

[67] Ibid., vol. 1582, No. 27627.

[68] General Assembly resolution 60/288.

[69] See *Official Records of the Economic and Social Council, 2009, Supplement No. 8* (E/2009/28), chap. I, sect. C.

and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption",

Taking into account General Assembly resolution 64/179 of 18 December 2009, entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity",

Mindful that the proceeds of transnational organized crime may in some cases be used to finance terrorism and other forms of criminal activity, which have negative effects on States,[70]

Greatly concerned by the negative impact of organized crime on human rights, the rule of law, security and development, as well as by the sophistication, diversity and transnational aspects of organized crime and its links with other criminal and, in some cases, terrorist activities,

1. *Expresses* its concern at the links that in some cases may exist between transnational organized crime including drug trafficking, money-laundering and terrorist activities, and in particular those activities that sustain organized criminal and terrorist groups;

2. *Calls upon* States to strengthen international cooperation in order to address the serious challenges presented by various forms and manifestations of transnational organized crime, including drug trafficking and the illicit production of narcotic drugs, money-laundering and terrorist activities, and the links that in some cases may exist between them;

3. *Also calls upon* States to increase their efforts, in conformity with their national legislation, to put in place or strengthen appropriate regimes and institutional mechanisms, in order to promote international cooperation, and to foster cooperation among national law enforcement agencies and those entities in charge of the identification and recovery of assets in combating transnational criminal activities and terrorist activities and to address the links that in some cases may exist between them;

4. *Encourages* States parties to the United Nations Convention against Transnational Organized Crime,[71] the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,[72] the Convention on Psychotropic Substances of 1971,[73] the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[74] and relevant international conventions and protocols related to terrorism, including the International Convention for the Suppression of the Financing of Terrorism,[75] to utilize the significant potential of those international legal instruments, with a view to strengthening international cooperation, including mutual legal assistance and extradition, where applicable, aimed at tackling transnational organized crime and in some cases its links with terrorist activities and drug trafficking;

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[70] Some countries have identified links in some cases between organized criminal groups and terrorist activities.

[71] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[72] Ibid., vol. 976, No. 14152.

[73] Ibid., vol. 1019, No. 14956.

[74] Ibid., vol. 1582, No. 27627.

[75] Ibid., vol. 2178, No. 38349.

5. *Invites* States to share experiences and good practices in addressing the links that in some cases may exist between the various forms and manifestations of transnational organized crime, including drug trafficking, terrorist activities and money-laundering, including identifying new schemes used to commit transnational organized crime and their consequences.

Decision 21/1

Organization of work for the future sessions of the Commission on Crime Prevention and Criminal Justice

At its 9th meeting, on 27 April 2012, the Commission on Crime Prevention and Criminal Justice decided that:

(a) For future sessions of the Commission, starting with the twenty-third session, the part of the session held in the first half of the year will commence after a sufficient period of time, if possible at least six to eight weeks, has elapsed following the closure of the part of the session of the Commission on Narcotic Drugs held in the first half of the year, to allow both Member States and the Secretariat to prepare and conduct their work in a more efficient manner;

(b) For future sessions of the Commission, the firm deadline for the submission of draft resolutions to be considered at the part of the session held in the first half of the year will be, in principle, one month prior to the commencement of that part of the session;

(c) For practical reasons, the firm deadline for the submission of draft resolutions to be considered at the part of the twenty-second session to be held in the first half of 2013 will be three weeks prior to the commencement of that part of the session;

(d) For future sessions of the Commission, the part of the session held in the first half of the year will be preceded by informal pre-session consultations, with interpretation, to be held on the working day preceding the first day of that part of the session. The informal pre-session consultations provide an opportunity for Member States to engage in informal consultations on draft resolutions and, inter alia, the provisional agenda for the next session of the Commission;

(e) The Secretariat will make the arrangements necessary for the adequate implementation of subparagraphs (a) to (d) above, in particular by ensuring that draft resolutions are made available in all six official languages at least one week prior to the start of the informal pre-session consultations held in the first half of the year;

(f) In order to further the objectives of General Assembly resolution 52/214 of 22 December 1997, section B, in which the Assembly invited all intergovernmental bodies to consider, where appropriate, the possibility of reducing the length of their reports from the desired limit of thirty-two pages to twenty pages over a period of time without adversely affecting either the quality of presentation or the content of the reports, the Commission will make efforts to reduce the length of its annual reports, bearing in mind the need for such reports to include resolutions and decisions adopted or transmitted by the Commission, as well as a brief summary

of its deliberations under each agenda item, focusing in particular on policy findings and conclusions reached;

(g) Bearing in mind the need to maintain budget discipline, to use conferences services in a cost-effective manner and to conduct its work more efficiently, the Commission requests the Secretariat to provide a report related to documentation prepared for the Commission, including the costs and the number and frequency of issuance of those documents, the efforts made by the Secretariat to find internal efficiencies in the manner in which it produces such documents and the savings linked to those efficiencies, as well as recommendations on these issues, including exploring possibilities to further improve and reduce the yearly reporting requirements through a thorough examination of its current mandates, with a view to identifying outdated or duplicative mandates.

Decision 21/2

Report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

At its 2nd meeting, on 23 April 2012, the Commission on Crime Prevention and Criminal Justice decided to transmit the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute[76] to the Economic and Social Council, in accordance with article IV, paragraph 3 (e), of the statute of the Institute, annexed to Economic and Social Council resolution 1989/56.

[76] See E/CN.15/2012/4.

Chapter II

Strategic management, budgetary and administrative questions

5. At its 1st and 2nd meetings, on 23 April 2012, the Commission on Crime Prevention and Criminal Justice considered agenda item 3, which read as follows:

"Strategic management, budgetary and administrative questions:

"(a) Work of the working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime;

"(b) Directives on policy and budgetary issues for the United Nations crime prevention and criminal justice programme."

6. For its consideration of agenda item 3, the Commission had before it the following:

(a) Report of the Secretariat on the implementation of resolutions and decisions relating to crime prevention and criminal justice adopted in the period 2008-2011 in which action by UNODC was requested (E/CN.15/2012/2);

(b) Report of the Executive Director on the activities of UNODC (E/CN.7/2012/3-E/CN.15/2012/3);

(c) Note by the Secretary-General transmitting the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2012/4);

(d) Note by the Secretary-General on the proposed strategic framework for the period 2014-2015 (E/CN.7/2012/6-E/CN.15/2012/6);

(e) Note by the Secretariat on the work of the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC (E/CN.7/2012/12-E/CN.15/2012/12);

(f) Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2012/23);

(g) Proposed strategic framework for the period 2014-2015: part two — biennial programme plan for programme 13, International drug control, crime and terrorism prevention and criminal justice (A/67/6 (Prog. 13)).

7. At the 2nd meeting of the Commission, on 23 April 2012, the Director of the Division for Policy Analysis and Public Affairs of UNODC made an introductory statement. The representative of Spain, speaking as co-chair of the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC, also made an introductory statement.

8. Statements were made by the representatives of Thailand, Cuba, Canada and the United States of America. Statements were also made by the observers for Norway and the Republic of Korea.

A. Deliberations

9. Several delegations welcomed the work of the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC and expressed appreciation for the work of the co-chairs. The Commission took note of its election of Maria Oyeyinka Laose, Permanent Representative of Nigeria, at its intersessional meeting on 20 March 2012, to replace Taous Feroukhi, Permanent Representative of Algeria, as one of the co-chairs. The working group was seen as a useful mechanism for informal dialogue and information exchange, reinforcing transparency and accountability. The importance of having the mandated intergovernmental bodies providing guidance on administrative, financial and strategic management questions was also stressed.

10. Several speakers expressed appreciation for the work of UNODC in implementing and further developing its regional and thematic programmes. Delegations also welcomed the progress made by its Independent Evaluation Unit towards establishing a culture of evaluation within the Office. The importance of a results-based management approach and adequate evaluation, monitoring and reporting was stressed, as those were means to increase transparency and build confidence among donors, with a view to increasing financial support.

11. The importance of inter-agency cooperation and of working as "one United Nations" was emphasized. Several speakers welcomed the enhanced focus of UNODC on the protection and promotion of human rights and its commitment to integrate human rights issues and a gender perspective in its programmatic work.

12. Some delegations referred to the strategy for the period 2012-2015 for UNODC, and one delegation commented on the proposed strategic framework for 2014-2015, mentioning that the Office should remain focused on its core strengths, as spelled out in the proposed strategic framework, while stressing that more attention should be given to the issue of crime prevention. Several delegations recognized the importance of prioritization in the work of UNODC and stressed the role of the Commission in identifying priorities in that regard.

13. Several delegations mentioned that UNODC had become a victim of its own success and expressed concern about its financial situation, especially in the light of the unpredictability of contributions and the low percentage of general-purpose resources in its overall budget. Speakers underlined the need for adequate, predictable and sustainable funding, while looking forward to the formulation of a fundraising strategy. Suggestions on possible improvements included an increase in resources from the regular budget of the United Nations, the application of soft earmarking by donors, enhanced partnerships with and support by the private sector and a commitment by UNODC to accept additional contributions only with the standard programme support charge of 13 per cent.

B. Action taken by the Commission

14. At its 2nd meeting, on 23 April, the Commission approved for adoption by the Economic and Social Council a draft decision on appointments to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute. (For the text, see chap. I, sect. C, draft decision II.)

15. **At the same meeting, the Commission adopted a decision on transmitting the report of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute to the Economic and Social Council. (For the text, see chap. I, sect. D, decision 21/2.)**

Chapter III

Thematic discussion on the theme "Violence against migrants, migrant workers and their families"

16. At its 3rd and 4th meetings, on 24 April 2012, the Commission considered agenda item 4, which read as follows:

> "Thematic discussion on the theme 'Violence against migrants, migrant workers and their families'".

17. For its consideration of agenda item 4, the Commission had before it a note by the Secretariat containing the discussion guide for the thematic discussion on violence against migrants, migrant workers and their families (E/CN.15/2012/5) and a note by the Secretariat on world crime trends and emerging issues and responses in the field of crime prevention and criminal justice (E/CN.15/2012/19).

18. With the Chair presiding, the thematic discussion on item 4 was led by the following panellists: Conny Nxumalo (South Africa), Vitit Muntarbhorn (Thailand), Emmanuel Guevara Isla (Mexico), Luísa Maia Gonçalves (Portugal), Nonkululeko Sindane (South Africa), Atul Kumar Tiwari (India), Raluca Simion (Romenia), José Manuel Sáenz Valencia (Colombia) and Suzanne Sheldon (United States of America).

19. The Chair made an introductory statement. An introductory statement was made by the Chief of the Human Trafficking and Migrant Smuggling Section of UNODC. The Special Rapporteur of the Human Rights Council on the human rights of migrants made a statement. Statements were also made by the representatives of Germany, Thailand, Tunisia, Austria, China, Cuba, the Philippines, Algeria, the United States of America, the Russian Federation, Japan, Canada, Mexico, Turkey and Argentina. The observers for Ecuador (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States), Azerbaijan, Spain, Israel, El Salvador, Venezuela (Bolivarian Republic of), Morocco, Switzerland, Indonesia, the Republic of Korea and the Dominican Republic also made statements. Statements were also made by the observers for the European Union, the Office of the United Nations High Commissioner for Human Rights, the International Organization for Migration and the International Federation of Red Cross and Red Crescent Societies. The observers for the Academic Council on the United Nations System, the International Sociological Association, the Japan Federation of Bar Associations, the Global Alliance against Traffic in Women and the Friends World Committee for Consultation also made statements.

A. Summary by the Chair

20. At the end of the thematic discussion, the Chair summarized the salient points as follows:

21. The positive economic, social and cultural contributions of migrants to societies worldwide were stressed, as well as the need for the political discourse and

the media to support that positive image to avoid fuelling discrimination, xenophobia and violence.

22. Member States had an obligation to protect the human rights of migrants, migrant workers and their families regardless of their migratory status. Violence against migrants was unwarranted and unjustifiable in modern societies based on the rule of law and human rights.

23. In order to develop and implement evidence-based policies and measures to prevent and address violence against migrants, migrant workers and their families, there was a need for comparable and disaggregated data on their victimization and vulnerabilities.

24. Preventive measures could include awareness campaigns to address discrimination, including aspects such as the improvement of migrants' access to justice through, for example, the elimination of language, social and cultural barriers hindering their access. Other measures could include support and assistance for any migrants who may have been victims of such crimes.

25. Efforts should be made to identify, support and protect all migrants, especially women and children, who have been victims of crime, including trafficking in persons.

26. The rights of children of migrants and unaccompanied children should be given high priority, and any decision should be made in line with the best interests of the child. Children should not be detained on the basis of their irregular status.

27. Women migrant workers, in particular domestic workers, were particularly vulnerable to abuse and exploitation; therefore, special measures should be put in place to prevent and protect them from crimes and violence.

28. Borders were considered places of high risk of violence to migrants, and measures were needed to build the capacity of law enforcement personnel in this regard.

29. There was a need for comprehensive, coordinated and multidisciplinary national strategies and measures to address violence against migrants, migrant workers and their families. Different forms of such violence were highlighted, including physical, psychological and sexual violence, extortion, exploitation, kidnapping and even murder. Discrimination, xenophobia and racism facilitated violence against migrants.

30. Good practices implemented by countries of origin included programmes to support and protect their nationals abroad, including through pre-departure training, monitoring of recruitment agencies, special measures to ensure accountability for crimes committed abroad, bilateral agreements with destination countries and training of consular officials.

31. To ensure better integration of all migrants in destination countries, awareness-raising measures were necessary, including in cooperation with the media and at the community level. In this regard, it was considered important that migrants have access to essential services such as education and health care.

32. Access to the justice system was equally important, especially for irregular migrants, who were particularly vulnerable to violence and less likely to seek

redress and justice. Several Member States had taken measures to regularize the status of irregular migrants, in some cases to ensure their willingness to testify in criminal prosecutions.

33. The criminal justice system should recognize violence, xenophobia and discrimination as aggravating circumstances in crimes against all migrants, including in the smuggling process. Legislative reform measures undertaken by Member States in areas such as migration law, criminal law and civil law were mentioned.

34. Member States, in cooperation with relevant international, regional and non-governmental organizations, were encouraged to support the ratification and effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and relevant human rights instruments.

35. Countries of origin, transit and destination should strengthen cooperation at the bilateral, regional and national levels to protect migrants, migrant workers and their families from all forms of violence. Mutual legal assistance, judicial and police cooperation and extradition were of particular importance in this regard. Reference was made to international and regional initiatives such as the Global Forum on Migration and Development, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, European Union legislative frameworks and cooperation with the Central American Integration System.

B. Action taken by the Commission

36. At its 10th meeting, on 27 April, the Commission considered a revised draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2012/L.15/Rev.1) sponsored by Albania, Argentina, Cameroon, Canada, Chile, Colombia, Costa Rica, Croatia, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), Ecuador, El Salvador, Guatemala, Indonesia, Japan, Kenya, Lebanon, Mexico, Nigeria, Norway, Panama, the Philippines, the Republic of Korea, the Sudan, Switzerland, Tajikistan, Turkey, Ukraine, the United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Zimbabwe. (For the text, see chap. I, sect. A, draft resolution IV.)

Chapter IV

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice

37. At its 5th, 6th and 7th meetings, on 25 and 26 April 2012, the Commission on Crime Prevention and Criminal Justice considered agenda item 5, which read as follows:

"Integration and coordination of efforts by the United Nations Office on Drugs and Crime and Member States in the field of crime prevention and criminal justice:

"(a) Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

"(b) Ratification and implementation of the United Nations Convention against Corruption;

"(c) Ratification and implementation of the international instruments to prevent and combat terrorism;

"(d) Other crime prevention and criminal justice matters;

"(e) Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies."

38. For its consideration of agenda item 5, the Commission had before it the following documents:

(a) Report of the Secretary-General on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons (E/CN.15/2012/7);

(b) Note verbale forwarding the report on the Fourth World Summit of Attorneys General, Prosecutors General and Chief Prosecutors (E/CN.15/2012/8);

(c) Report of the Secretary-General on international cooperation in combating transnational organized crime and corruption (E/CN.15/2012/9);

(d) Report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism (E/CN.15/2012/10);

(e) Report of the Secretary-General on the activities of the institutes of the United Nations crime prevention and criminal justice programme network (E/CN.15/2012/11);

(f) Report of the Secretary-General on strengthening crime prevention and criminal justice responses to violence against women (E/CN.15/2012/13);

(g) Report of the Executive Director on international cooperation in the forensic field (E/CN.15/2012/14).

39. Introductory statements were made by the Chief of the Organized Crime and Illicit Trafficking Branch, the Chief of the Implementation Support Section of the Organized Crime and Illicit Trafficking Branch, the Chief of the Corruption and Economic Crime Branch, the Chief of the Terrorism Prevention Branch, the Chief of the Laboratory and Scientific Section and the Director of the Division for Treaty Affairs of UNODC. Statements were also made by the observer for Denmark (on behalf of the Presidency and States members of the European Union) and the representatives of Croatia, Thailand, Algeria, Canada, the Russian Federation, Argentina, Belarus, Ukraine, South Africa, Austria, Iran (Islamic Republic of), Mexico, Cuba, the United States, China, Germany and Mauritius. The observers for France, Libya, Costa Rica, the Republic of Korea, the Dominican Republic, Romania, Mongolia, Norway, Israel, Azerbaijan, Venezuela (Bolivarian Republic of), Sri Lanka, Indonesia, Qatar, the Sudan and Finland also made statements. The observer for the Holy See made a statement. Statements were also made by the observers for the League of Arab States, the Japan Federation of Bar Associations, the Global Alliance against Traffic in Women, the Friends World Committee for Consultation and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

A. Deliberations

1. Ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime

40. Discussions under agenda item 5 (a) covered, inter alia, the following topics: the importance of universal ratification and implementation of the Organized Crime Convention and the Protocols thereto; ongoing negotiations on the establishment of a mechanism to review implementation of the Convention and its Protocols; the importance of supporting the effective implementation of the Protocols, including in the framework of the working groups of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime; and the use of the Convention as a basis for international judicial cooperation. The United Nations Global Plan of Action to Combat Trafficking in Persons, including the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, and the global report on trafficking in persons, was also mentioned.

41. Speakers emphasized the importance of establishing a strong, effective and cost-effective review mechanism that would both enable the identification of technical assistance needs and highlight achievements. It was noted that the terms of reference for the review mechanism remained to be finalized at the sixth session of the Conference of the Parties.

42. The need to address new and emerging forms of transnational organized crime, including fraudulent medicines, cybercrime, trafficking in cultural property and maritime piracy, was highlighted. Speakers expressed particular concerns regarding the spread of fraudulent medicines and expressed their commitment to combat such

crime, including through regional legislative frameworks and cooperation. Furthermore, support was expressed for the strengthened cooperation between UNODC and the World Tourism Organization, and the resulting memorandum of understanding between the two bodies was applauded.

43. The need to continue promoting multidisciplinary and collaborative approaches and cooperation at the national, subregional, regional and international levels was noted. The high added value of technical tools and activities was stressed.

44. One delegation highlighted the efforts made on the American continent to combat transnational organized crime and the project of establishing a regional system to coordinate those efforts.

2. Ratification and implementation of the United Nations Convention against Corruption

Work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Corruption

45. The United Nations Convention against Corruption was recognized as the global framework for the fight against corruption. Speakers welcomed the increase in the number of States parties to the Convention and called for its full implementation.

46. Speakers welcomed the resolutions adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its fourth session, held in Marrakech, Morocco, in October 2011. They expressed satisfaction with the participation of their countries in the first and second years of the first cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, in their capacity as States under review or as reviewing States. Speakers reported on positive experiences during the self-assessment stage and during exchanges in the context of direct dialogue. Some speakers highlighted the role of civil society in the work of the Mechanism.

47. The need for technical assistance for the implementation of the Convention was highlighted. Speakers referred to technical assistance provided by UNODC, including the Stolen Asset Recovery Initiative, jointly operated with the World Bank, as well as technical assistance provided by the United Nations Development Programme (UNDP) and others. The need to address technical assistance needs identified through the review process was stressed, and donors were called upon to continue providing support and to coordinate in order to optimize the use of resources. Attention was drawn to international and regional coordination networks to enhance cooperation in criminal matters, including that of the League of Arab States and such networks in Latin America. Several speakers acknowledged the potential role of the International Anti-Corruption Academy for specialized multidisciplinary training and capacity-building. One speaker referred to the work undertaken in the context of the Group of 20 anti-corruption working group, the "Business-20" anti-corruption task force, and the Open Government Initiative.

48. Many speakers reported on domestic efforts made to implement the Convention, including by adopting or amending legislation and by creating and

strengthening specialized institutions. Examples included legislation on asset declarations for public officials and the establishment of a central registry to administer seized and confiscated proceeds of crime. One speaker reported that his country had adopted the concept of social damage caused by corruption and compensation for such damage. Several speakers stressed the importance of awareness-raising and education campaigns, as well as the involvement of civil society, the private sector and the media.

3. Ratification and implementation of the international instruments to prevent and combat terrorism

49. Speakers reiterated that international terrorism continued to constitute one of the most serious threats to international peace and security and underscored their countries' strong condemnation of terrorism in all its forms and manifestations. Specific emphasis was placed on the criminalization of ransom payments to terrorist groups for the release of hostages as a source of financing of terrorism.

50. Various speakers emphasized the transnational, complex and ever-changing nature of terrorism and stressed the need for concerted efforts by the international community to prevent and combat terrorism. Speakers highlighted the central role that the United Nations should continue to play in supporting Member States in those efforts, including in the framework of the United Nations Global Counter-Terrorism Strategy.

51. Speakers encouraged UNODC to continue providing technical assistance, based on the needs identified by recipient States, including legal and capacity-building assistance to Member States with the aim of strengthening national criminal justice systems to prevent and counter terrorism. Support was expressed for continued work on specialized thematic areas such as countering the use of the Internet for terrorist purposes and the financing of terrorism. UNODC was invited to continue strengthening its cross-cutting and integrated approach in the delivery of technical assistance.

52. A number of speakers highlighted the importance of UNODC further strengthening its cooperation with the entities participating in the United Nations Counter-Terrorism Implementation Task Force, as well as with relevant regional and subregional organizations.

4. Other crime prevention and criminal justice matters

53. Speakers welcomed the efforts made by UNODC and the International Forensic Strategic Alliance in fostering international cooperation on strategic issues related to the management of forensic science laboratories and in promoting the effective exchange of forensic science expertise worldwide. Support was expressed for the work of UNODC in the development of scientific and forensic services in general and, specifically, in the area of forensic document examination.

54. Reference was made to the 2011 Seoul Declaration on "New Initiatives of the Prosecution Service — Fair and Just Society", and the importance of strong international cooperation among prosecution services was highlighted.

55. Several speakers referred to the problem of maritime piracy, in particular off the coast of Somalia, which posed a threat to different regions and the international

community at large. A comprehensive approach was required to address the root causes, strengthen the capacity of the States concerned and enhance international cooperation in order to effectively prosecute and punish pirates.

56. The work of UNODC in supporting such efforts to counter piracy was welcomed, in particular its efforts in assisting countries to enhance the capacity of their judiciary, prosecution and prison services. UNODC was invited to continue its efforts and coordinate with other bodies such as UNDP and the International Maritime Organization. In particular, UNODC was asked to take action to address the lack of adequate rules and legal frameworks for monitoring the use of force by civilian private armed guards on board commercial vessels.

5. Other activities in support of the work of the United Nations Office on Drugs and Crime, in particular activities of the United Nations crime prevention and criminal justice programme network, non-governmental organizations and other bodies

57. Further clarification was provided regarding the role of the institutes of the United Nations crime prevention and criminal justice programme network and their contribution to assisting the international community in strengthening cooperation in crucial areas of crime prevention and criminal justice at the global, regional and subregional levels. Several speakers expressed appreciation for the work of the programme network and noted that UNODC and the institutes, including among themselves, should maintain a dialogue to avoid duplication of efforts.

B. Action taken by the Commission

58. At its 10th meeting, on 27 April, the Commission adopted a revised draft resolution (E/CN.15/2012/L.5/Rev.2) sponsored by Albania, Australia, Cameroon, Canada, Croatia, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), Nigeria, Norway, Panama, the Philippines, the Republic of Korea and the Russian Federation. (For the text, see chap. I, sect. D, resolution 21/2.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2012/CRP.5, available on the UNODC website.) Following adoption, the representative of Indonesia stated that certain elements of the resolution should be construed in a manner to reflect its essential purpose to address the situation off the coast of Somalia, within the context of applicable international law. He expressed hope that a reference to the United Nations Convention on the Law of the Sea would be included in a future resolution as a basis for cooperation in combating maritime piracy and stressed that technical assistance to countries affected by maritime piracy off the coast of Somalia remained a priority.

59. At the same meeting, the Commission approved and recommended for adoption by the Economic and Social Council a revised draft resolution (E/CN.15/2012/L.6/Rev.2), as orally amended, sponsored by Ecuador, Italy, Mexico, Nigeria, the Philippines, the Republic of Korea, the Russian Federation, Thailand and Uruguay. (For the text, see chap. I, sect. B, draft resolution II.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2012/CRP.5, available on the UNODC website.) Following adoption, the representative of Germany stated that

his delegation was not convinced of the usefulness of such omnibus resolutions. As the areas covered were selective and other important areas of transnational organized crime were not addressed, the resolution did not provide a basis or reference point to define priorities for international cooperation or the work of the Commission.

60. At the same meeting, the Commission considered a revised draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2012/L.11/Rev.1) sponsored by Andorra, Australia, Canada, Croatia, Colombia, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), Japan, Liechtenstein, Mauritius, Norway, the Philippines, Switzerland, Thailand, Ukraine and the United States. (For the text, see chap. I, sect. A, draft resolution II.)

61. At the same meeting, the Commission adopted a draft resolution (E/CN.15/2012/L.16), as orally amended, sponsored by Argentina, Canada, Chile, Colombia, Kenya, Mexico, Nigeria, Panama, Peru, Saudi Arabia, Thailand, Turkey and the United States. (For the text, see chap. I, sect. D, resolution 21/3.)

Chapter V

World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

62. At its 7th and 8th meetings, on 26 April 2012, the Commission considered agenda item 6, entitled "World crime trends and emerging issues and responses in the field of crime prevention and criminal justice".

63. For its consideration of item 6, the Commission had before it the following:

(a) Report of the Executive Director on the activities of UNODC (E/CN.7/2012/3-E/CN.15/2012/3);

(b) Report of the Secretary-General on crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking (E/CN.15/2012/15);

(c) Report of the Secretary-General on strengthening public-private partnerships to counter crime in all its forms and manifestations (E/CN.15/2012/16);

(d) Note by the Secretariat on world crime trends and emerging issues and responses in the field of crime prevention and criminal justice (E/CN.15/2012/19);

(e) Note by the Secretariat on civilian private security services: their role, oversight and contribution to crime prevention and community safety (E/CN.15/2012/20);

(f) Report on the meeting of the Expert Group on Civilian Private Security Services held in Vienna from 12 to 14 October 2011 (UNODC/CCPCJ/EG.5/2011/2);

(g) Conference room paper on transnational organized crime and fraudulent medicines (E/CN.15/2012/CRP.4).

64. Introductory statements were made by the Chief of the Statistics and Surveys Section, the Chief of the Justice Section and a representative of the Organized Crime and Illicit Trafficking Branch of UNODC. Statements were made by the representatives of Thailand, Italy, the United Arab Emirates, Canada, the United States, the Philippines, China, South Africa and Chile. Statements were also made by the observers for the Republic of Korea, Venezuela (Bolivarian Republic of), Norway and Bolivia (Plurinational State of).

A. Deliberations

65. The efforts of UNODC to collect and analyse comparable statistical information on crime and criminal justice were welcomed, and UNODC was invited to continue producing studies on crime trends based on statistical evidence. Recent efforts to improve the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems were noted, and UNODC was invited to further improve data-collection procedures and to maximize the dissemination and analysis of data. Member States were urged to report information on crime trends to UNODC in a

timely, accurate and comprehensive manner and to appoint national focal points to facilitate the response to the Survey.

66. Speakers highlighted the need to provide technical support to countries in the area of crime and criminal justice statistics and welcomed the establishment of the UNODC-National Institute of Statistics and Geography of Mexico Centre of Excellence for Statistical Information on Governance, Victimization, Security and Justice to support countries' capacities in this area.

67. It was observed that new data and information were needed on emerging and evolving forms of crime, including on cybercrime, maritime piracy, trafficking in cultural property, environmental crime, trafficking in persons and counterfeiting, and on the role of organized criminal groups in such activities. Delegates expressed support for the forthcoming comprehensive study on cybercrime and invited Member States to provide accurate and comprehensive information to enable the production of a high-quality report. It was suggested that the report should be issued only after a sufficient number of Member States had responded, with a view to adequate geographical representation.

68. Many delegations considered that Member States should carry out campaigns in order to promote the responsible use of information and communication technologies targeting children and teenagers, and warning about their harmful effects.

69. Delegates commended the work of UNODC to prevent and fight trafficking in cultural property, and called for even stronger collaboration with the United Nations Educational, Scientific and Cultural Organization, INTERPOL and the International Institute for the Unification of Private Law in this regard. The provision of technical assistance and the fostering of regional and interregional cooperation, as well as the development of good practices in this field, were also supported.

70. Delegates reiterated the importance of using existing international instruments, especially the United Nations Convention against Transnational Organized Crime, in the fight against trafficking in cultural property, with special regard to law enforcement and judicial cooperation. They also welcomed the holding of the second meeting of the intergovernmental expert group on protection against trafficking in cultural property in June 2012 as an opportunity to further discuss the draft guidelines on criminal justice responses with respect to trafficking in cultural property.

71. Delegates welcomed the information provided on public-private partnerships to counter crime, noting the growing significance of such partnerships in global efforts to counter various types of crime, including corruption, trafficking in persons and cybercrime. Delegates encouraged UNODC to work towards increasing the funding from private stakeholders such as non-governmental organizations and the business community, and to explore creative ways to maximize the potential of public-private partnerships.

72. Delegates acknowledged the importance of the issue of civilian private security services and welcomed the Commission's work in studying the role of such security services, their oversight by State authorities and their contribution to crime prevention and community safety. The importance of monitoring civilian private security services under domestic laws was also stressed and the complementary

nature of their role was recognized. Delegates also acknowledged the draft preliminary recommendations contained in the report on the meeting of the Expert Group on Civilian Private Security Services, held from 12 to 14 October 2011 (UNODC/CCPCJ/EG.5/2011/2), and indicated their willingness to participate in their forthcoming review.

73. One delegation emphasized that transnational organized crime issues should not be considered as matters of international peace and security and expressed concern that discussions within the Commission increasingly focused on such matters.

B. Action taken by the Commission

74. At its 10th meeting, on 27 April, the Commission adopted a revised draft resolution (E/CN.15/2012/L.2/Rev.1) sponsored by Peru, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland. (For the text, see chap. I, sect. D, resolution 21/1.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2012/CRP.5, available on the UNODC website.)

75. At the same meeting, the Commission approved and recommended for adoption by the Economic and Social Council a revised draft resolution (E/CN.15/2012/L.7/Rev.1) sponsored by Australia, Argentina, Cameroon, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Israel, Nigeria, Panama, Peru, the Philippines and the United States. (For the text, see chap. I, sect. B, draft resolution I.)

Chapter VI

Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice

76. At its 7th and 8th meetings, on 26 April 2012, the Commission considered agenda item 7, entitled "Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice".

77. For its consideration of the item, the Commission had before it the report of the Secretary-General on follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2012/21 and Corr.1).

78. An introductory statement was made by a representative of the Corruption and Economic Crime Branch of UNODC. A statement was also made by the Chair of the Expert Group to Conduct a Comprehensive Study on Cybercrime. Statements were made by the representatives of Japan, Canada, Thailand, South Africa and the United States. The observer for the Republic of Korea also made a statement.

A. Deliberations

79. Delegations underlined the political significance and value of the crime congresses as the largest and most diverse gathering of policymakers and practitioners in the area of crime prevention and criminal justice.

80. With regard to the preparations for the Thirteenth Congress, speakers placed emphasis on the need for timely and effective planning, as well as close coordination with all parties involved, including the institutes of the United Nations crime prevention and criminal justice programme network.

81. While highlighting the necessity of a narrow scope of agenda items and practical and specific workshop topics, delegations took into consideration the suggested approach of focusing on an outward-looking overall theme on the role of crime prevention and criminal justice in advancing the United Nations development agenda beyond 2015.

82. One speaker argued that the discussion on crime issues might also be used to structure the agenda of the Congress to reflect transnational organized crime and drug trafficking as transnational threats to peace, security and the rule of law, as well as to address the promotion of gender equality, crime prevention and correctional measures. Another speaker supported the inclusion in the agenda of the Congress of an item on correctional measures and the treatment and reintegration of offenders.

83. Some speakers emphasized the significance of reaching an agreement on the Congress theme and agenda at the current session of the Commission, in line with

the mandate contained in General Assembly resolution 66/179 and the recommendation by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice at its meeting held in Bangkok from 15 to 18 August 2006 (see E/CN.15/2007/6, sect. IV).

84. It was suggested that the high-level segment be held at the beginning of the Congress, to enhance the possibility of generating useful feedback. The need to avoid too many parallel workshops and to benefit from ancillary meetings as vehicles for the exchange of information and views on a wide range of issues was emphasized.

85. Delegates recommended that the Congress declaration should be concise and linked to the proceedings of the Congress. Furthermore, efficient follow-up regarding the outcomes of the congresses was stressed, and in that connection speakers welcomed the meeting organized in the margins of the Commission by the institutes of the United Nations crime prevention and criminal justice programme network to discuss the follow-up and modalities for effective implementation of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted by the Twelfth Congress.

86. One delegation reported on action taken by the Korean Institute of Criminology in the field of cybercrime to implement the Salvador Declaration. The Commission was also informed about the work of the Expert Group to Conduct a Comprehensive Study on Cybercrime, convened pursuant to paragraph 42 of the Salvador Declaration.

87. One delegation stressed the need for transparency and efficient use of financial resources for the organization of the Congress and favoured the provision of information to Member States on the budget of the Congress.

B. Workshop on the implementation of the Salvador Declaration

88. The 1st meeting of the Committee of the Whole, on 23 April 2012, was devoted to a workshop on the implementation of the Salvador Declaration, organized by the institutes of the United Nations crime prevention and criminal justice programme network. The workshop was chaired by the First Vice-Chair of the Commission and moderated by the Scientific Coordinator of the United Nations Interregional Crime and Justice Research Institute.

89. Presentations were made by panellists from the European Institute for Crime Prevention and Control, affiliated with the United Nations (Finland), Beijing Normal University (China), the International Center for Criminal Law Reform and Criminal Justice Policy (Canada), the Naif Arab University for Security Sciences (Saudi Arabia) and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (Sweden). During the discussion, statements were made by the representatives of Saudi Arabia, Colombia and Canada. Statements were also made by the observers for the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (Costa Rica), the International Scientific and Professional Advisory Council (Italy) and the International Commission of Catholic Prison Pastoral Care. Closing remarks were made by the moderator.

C. Action taken by the Commission

90. At its 10th meeting, on 27 April, the Commission considered a revised draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2012/L.3/Rev.1) sponsored by Canada, Croatia, Ecuador (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States), Finland, Iran (Islamic Republic of), Lebanon, Japan, the Philippines, Qatar, the Russian Federation, Saudi Arabia, South Africa (on behalf of the States Members of the United Nations that are members of the Group of African States), Switzerland, Thailand, Ukraine and the United Kingdom. (For the text, see chap. I, sect. A, draft resolution V.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2012/CRP.5, available on the UNODC website.) Also prior to the adoption of the revised draft resolution, the representative of Argentina stated with regard to its paragraph 16 that the ancillary meetings should be organized in such a way as to optimize their results and that action could be taken in this regard by the Bureau of the Commission and the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC, in cooperation with the Secretariat, to ensure an adequate number of such meetings and the organization of their topics and times.

Chapter VII

Use and application of United Nations standards and norms in crime prevention and criminal justice

91. At its 8th and 9th meetings, on 26 and 27 April 2012, the Commission considered agenda item 8, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice". For its consideration of the item, the Commission had before it the following documents:

(a) Report of the Secretary-General on strengthening crime prevention and criminal justice responses to violence against women (E/CN.15/2012/13);

(b) Note by the Secretariat on the meeting of the expert group on strengthening access to legal aid in criminal justice systems (E/CN.15/2012/17);

(c) Report of the Secretariat on the work of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners (E/CN.15/2012/18);

(d) Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2012/22);

(e) Report on the meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners held in Vienna from 31 January to 2 February 2012 (UNODC/CCPCJ/EG.6/2012/1);

(f) Notes and comments on the Standard Minimum Rules for the Treatment of Prisoners (E/CN.15/2012/CRP.1);

(g) Background note on the meeting of the Expert Group on the Standard Minimum Rules for the Treatment of Prisoners (E/CN.15/2012/CRP.2).

92. The Special Representative o the Secretary-General on Violence against Children made a statement. An introductory statement was made by the Chief of the Justice Section. Statements were made by the representatives of Germany, Thailand, China, South Africa and Canada. Statements were also made by the observers for Libya and Norway. Statements were also made by the observers for Amnesty International, Penal Reform International, the International Association of Youth and Family Judges and Magistrates, Pax Romana, the World Society of Victimology and the Academic Council on the United Nations System.

A. Deliberations

93. Several speakers reiterated the relevance of the standards and norms and recalled the role played by the Commission in their development. Some speakers referred to changes in crime trends, which necessitated multifaceted responses taking into account differences in legal systems and technical assistance needs. It was stressed that efforts of States should focus on the crime prevention dimension, as that would enable timely progress in combating violence against children and women. In this regard, it was reiterated that the United Nations Guidelines for the Prevention of Crime provided the necessary framework. Several speakers referred to deficits in the implementation of the otherwise well-developed international norms on juvenile justice.

94. Many speakers underlined the relevance of the Standard Minimum Rules for the Treatment of Prisoners as a landmark and a basis for penal reform worldwide. Several speakers commended the work of the intergovernmental expert group on the Standard Minimum Rules and expressed their support for the targeted review of the Rules to reflect recent advances in correctional sciences and best practices. There was consensus that no changes to the Rules should lower any of the existing standards. A number of speakers emphasized the central role of technical assistance in promoting and supporting the wide implementation of the Rules, making the most efficient use of available resources.

95. Several delegates welcomed the work of the expert group on strengthening access to legal aid in criminal justice systems at its meeting held in November 2011. Delegates also emphasized the crucial role of access to legal aid in ensuring the right to a fair trial and promoting fair and efficient criminal justice systems, and welcomed the opportunity to further support those goals through the application of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.

96. Several speakers stressed the importance of addressing violence against women and expressed their concern at the fact that that form of violence was still widespread, pervasive, often unreported and sometimes even condoned. It was recognized that comprehensive institutional and legal frameworks were needed to prevent and respond to violence against women, and reference was made to the important role played by the criminal justice system in this regard. Some speakers referred to relevant national measures and called for strengthening crime prevention and criminal justice at the national and the international level in order to respond to violence against women.

B. Action taken by the Commission

97. At its 10th meeting, on 27 April, the Commission considered a revised draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2012/L.4/Rev.2) sponsored by Albania, Argentina, Brazil, Chile, Costa Rica, Croatia, the Dominican Republic, Ecuador, El Salvador, Finland, Germany, Guatemala, Italy, Lebanon, Norway, Panama, the Philippines, South Africa, Thailand and Uruguay. (For the text, see chap. I, sect. A, draft resolution I.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2012/CRP.5, available on the UNODC website.)

98. At the same meeting, the Commission considered a revised draft resolution to be recommended for approval by the Economic and Social Council for adoption by the General Assembly (E/CN.15/2012/L.14/Rev.1) sponsored by Canada, Cameroon, Chile, Croatia, Denmark (on behalf of the States Members of the United Nations that are members of the European Union), Georgia, Guatemala, Israel, Mexico, Norway, the Philippines, Saudi Arabia, South Africa, the United States and Venezuela (Bolivarian Republic of). (For the text, see chap. I, sect. A, draft resolution III.) Prior to the adoption of the revised draft resolution, a representative of the Secretariat read out a financial statement. (For the text, see E/CN.15/2012/CRP.5, available on the UNODC website.)

Chapter VIII

Provisional agenda for the twenty-second session of the Commission

99. At its 9th meeting, on 27 April 2012, the Commission considered agenda item 9, entitled "Provisional agenda for the twenty-second session of the Commission".

100. The Chair made an introductory statement. The Chief of Conference Management Services also made an introductory statement. Statements were made by the observer for Denmark (on behalf of the States Members of the United Nations that are members of the European Union) and the representatives of Canada, Algeria, Thailand, Mexico, Iran (Islamic Republic of), the United States and Argentina. The observers for Spain, Romania, Hungary and Finland also made statements.

A. Deliberations

101. The Chief of Conference Management Services explained that the inclusion of summaries of deliberations in the reports on the sessions of the Commission would go against the good practice of Economic and Social Council and General Assembly subsidiaries and would contradict applicable guidelines and resolutions that called for the shortening of reports and for reports to be action-oriented, and that specifically advised against the inclusion of summaries. He pointed out that a legal opinion on a similar case stated that the inclusion of summaries amounted to th circumvention of the rule on the provision of summary records. He mentioned that there were financial implications related to the processing of an additional 15 to 20 pages of summaries in all official languages. A possible alternative would be the use of digital recordings and a script of the session, similar to those provided for the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee.

102. Several delegations expressed concern about the trend towards action-oriented reports on the sessions of the Commission and highlighted the need for substantive summaries of its deliberations on each agenda item. Such summaries would serve as an institutional memory, both for delegations and for the Secretariat. In this regard, one delegation highlighted the importance of the normative function of the Commission and called for a renewed focus on the development of relevant standards and norms.

103. Delegations expressed support for continuing the practice of establishing an advance deadline for the submission of draft resolutions, in order to ensure their early availability in the official languages. The Chief of Conference Management Services explained that the Secretariat would process the draft resolutions to comply with the terms of the decisions to be adopted by the Commission and the Economic and ocial Council, to the extent possible, depending on the actual dates of submission, the volume of submissions and the capacities available in conference services.

B. Action taken by the Commission

104. At its 9th meeting, on 27 April 2012, the Commission approved and recommended for adoption by the Economic and Social Council a draft decision (E/CN.15/2012/L.18), as orally amended. (For the text, see chap. I, sect. C, draft decision I.)

105. At the same meeting, the Commission adopted a draft decision (E/CN.15/2012/L.17), as orally amended. (For the text, see chap. I, sect. D, decision 21/1.)

Chapter IX

Other business

106. No other business was brought to the attention of the Commission.

Chapter X

Adoption of the report of the Commission on its twenty-first session

107. At its 10th meeting, on 27 April 2012, the Commission adopted by consensus the report on its twenty-first session (E/CN.15/2012/L.1 and Add.1-6), as orally amended. One delegation recalled the opening statement of the observer for Ecuador (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States) welcoming the work of the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC.

Chapter XI

Organization of the session

A. Informal pre-session consultations

108. At its reconvened twentieth session, on 13 December 2011, the Commission confirmed the agreement reached at the meetings of the extended Bureau and the intersessional meetings of the Commission, held on 16 September and 8 November 2011, respectively, that the twenty-first session of the Commission would be held from 23 to 27 April 2012, with informal pre-session consultations to be held on 20 April 2012, the working day preceding the first day of the session. The Commission also decided that its reconvened twenty-first session would be held on 6 and 7 December 2012.

109. At the informal pre-session consultations held on 20 April 2012 and chaired by the First Vice-Chair, the Commission conducted a preliminary review of draft resolutions that had been submitted before the firm deadline, which had been set at Friday, 23 March 2012, pursuant to Economic and Social Council decision 2011/257. The Commission further considered matters related to the organization of, and report on, its twenty-first session, the preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and the draft provisional agenda for the twenty-second session of the Commission.

B. Opening and duration of the session

110. The Commission held its twenty-first session in Vienna from 23 to 27 April 2012. The Commission held 10 plenary meetings and 8 meetings of the Committee of the Whole. The Chair of the Commission opened the session. At the 1st meeting, on 23 April 2012, a message was delivered by the Chef de Cabinet, Office of the President of the General Assembly, on behalf of the President of the Assembly, and statements were made by the President of the Economic and Social Council, by the Executive Director of UNODC, by Peru (on behalf of the States Members of the United Nations that are members of the Group of 77 and China), by South Africa (on behalf of the States Members of the United Nations that are members of the Group of African States), by India (on behalf of the States Members of the United Nations that are members of the Group of Asia-Pacific States), by Ecuador (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States) and by Denmark (on behalf of the States Members of the United Nations that are members of the European Union). Statements were also made by the Vice-Minister of the Ministry of Justice of China, the Vice-Minister of Interior of Guatemala, the Deputy Minister of the Ministry of Justice of the Republic of Korea, the Special Representative of the President of the Russian Federation on international cooperation in combating terrorism and transnational organized crime, the President of the Supreme Court of Justice of Colombia, the Principal Deputy Assistant Secretary of the Bureau of International Narcotics and Law Enforcement Affairs of the United States, the Head of Sector for International Cooperation of the Ministry of Justice of Croatia and the Permanent Representative of Pakistan, on behalf of the Minister of Interior of Pakistan.

A statement was also made by the Secretary-General of the World Tourism Organization.

C. Attendance

111. The twenty-first session was attended by representatives of 36 States members of the Commission (Benin, Saint Vincent and the Grenadines, Sierra Leone and Uganda were not represented). Also attending were observers for 80 other States Members of the United Nations and 1 non-member State. Palestine was represented by an observer. The session was also attended by representatives of 19 entities of the United Nations system and observers for 12 institutes of the United Nations crime prevention and criminal justice programme network, 10 intergovernmental organizations, 2 other entities maintaining permanent observer offices, 1 other entity and 43 non-governmental organizations in consultative status with the Economic and Social Council. A list of participants is contained in document E/CN.15/2012/INF/2.

D. Election of officers

112. Pursuant to Economic and Social Council resolution 2003/31 and rule 15 of the rules of procedure of the functional commissions of the Council, the Commission, at the end of its reconvened twentieth session, on 13 December 2011, opened its twenty-first session for the sole purpose of electing its bureau for that session. In view of the rotation of offices based on regional distribution, the officers elected for the twenty-first session of the Commission and their respective regional groups are listed below.

113. The nomination for the office of Third Vice-Chair remained pending. The Group of Latin American and Caribbean States nominated Freddy Padilla de León of Colombia for that office in January 2012. The Commission endorsed that nomination during its consideration of agenda item 1.

114. The officers of the Commission at its twenty-first session were as follows:

Office	*Regional group*	*Officer*
Chair	Asia-Pacific States	Bajrakitiyabha Mahidol (Thailand)
First Vice-Chair	African States	Xolisa Mfundiso Mabhongo (South Africa)
Second Vice-Chair	Eastern European States	Vasyl Pokotylo (Ukraine)
Third Vice-Chair	Latin American and Caribbean States	Freddy Padilla de León (Colombia)
Rapporteur	Western European and other States	Martin Krämer (Austria)

115. A group composed of the Chairs of the five regional groups (the representatives of India and South Africa and the observers for Ecuador, Finland and Latvia) and the observers for Denmark (on behalf of the European

Union) and Peru (on behalf of the Group of 77 and China) was established to assist the Chair of the Commission in dealing with organizational matters. That group, together with the elected officers, constituted the extended Bureau foreseen in Economic and Social Council resolution 2003/31. During the twenty-first session of the Commission, the extended Bureau met on 24 April and 26 April 2012 to consider matters related to the organization of work.

E. Adoption of the agenda and organization of work

116. At its 1st meeting, on 23 April 2012, the Commission adopted the provisional agenda and organization of work (E/CN.15/2012/1), which had been approved by the Economic and Social Council in its decision 2011/257.

F. Documentation

117. The documents before the Commission at its twenty-first session are listed in conference room paper E/CN.15/2012/CRP.6.

G. Closure of the current part of the session

118. At its 10th meeting, on 27 April 2012, the Commission heard closing statements by the Executive Director of UNODC and by the Chair of the Commission. Closing statements were also made by the observers for Finland (on behalf of the States Members of the United Nations that are members of the Group of Western European and Other States), Denmark (on behalf of the States Members of the United Nations that are members of the European Union), India (on behalf of the States Members of the United Nations that are members of the Group of Asia-Pacific States) and Ecuador (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States). The representative of South Africa (on behalf of the States Members of the United Nations that are members of the Group of African States) also made a statement.